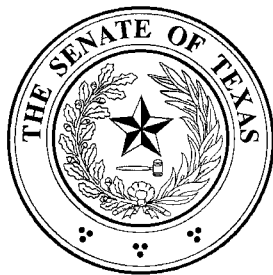


JOURNAL
OF THE
SENATE

REGULAR SESSION
OF THE
EIGHTY-SECOND LEGISLATURE
OF THE
STATE OF TEXAS

Convened January 11, 2011

Adjourned May 30, 2011



VOLUME III

Polly Emerson, Journal Clerk
Lourdes L. Guerra, Assistant

Charlene Ansley
Cathy Criss
Bonnie Michell Hill
Carmen S. Kennedy

Virginia L. Nailling
Dwight D. Sutherland
Tanu'e F. White

TABLE OF CONTENTS

VOLUME III

Proceedings of the Senate:

May 6, 2011, through May 21, 2011

Members	v
Fifty-fifth Day through Sixty-fifth Day	1923 - 2978
Appendix of Authors and Histories	Volume VI
Index	Volume VII

THE SENATE OF TEXAS

Lieutenant Governor David Dewhurst, President

	Represented District
Birdwell, Brian - Granbury	22
Carona, John J. - Dallas	16
Davis, Wendy - Fort Worth	10
Deuell, Bob - Greenville	2
Duncan, Robert - Lubbock	28
Ellis, Rodney - Houston	13
Eltife, Kevin - Tyler	1
Estes, Craig - Wichita Falls	30
Fraser, Troy - Horseshoe Bay	24
Gallegos, Mario, Jr. - Houston	6
Harris, Chris - Arlington	9
Hegar, Glenn - Katy	18
Hinojosa, Juan "Chuy" - McAllen	20
Huffman, Joan - Southside Place	17
Jackson, Mike - La Porte	11
Lucio, Eddie, Jr. - Brownsville	27
Nelson, Jane - Flower Mound	12
Nichols, Robert - Jacksonville	3
Ogden, Steve - Bryan	5
Patrick, Dan - Houston	7
Rodriguez, Jose - El Paso	29
Seliger, Kel - Amarillo	31
Shapiro, Florence - Plano	8
Uresti, Carlos I. - San Antonio	19
Van de Putte, Leticia - San Antonio	26
Watson, Kirk - Austin	14
Wentworth, Jeff - San Antonio	25
West, Royce - Dallas	23
Whitmire, John - Houston	15
Williams, Tommy - The Woodlands	4
Zaffirini, Judith - Laredo	21

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIFTH DAY

(Friday, May 6, 2011)

The Senate met at 10:09 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Chaplain Charles W. Edwards, Jr., Texas Army National Guard, was introduced by Senator Watson and offered the invocation as follows:

Our God of power and might, we thank You for a time of reflection to pause, to focus, and to unite as we offer this prayer of praise and appreciation for all who are assembled here and, especially, for those who are willing and ready to serve the people of our state, Members of the Senate of the great State of Texas. Be with our Senate Members in their deliberations today, empower them in their decision-making, the choices they make for the good of our state. Be with them in the days and weeks to come, to face the specific and challenging goals that they must encounter with bold determination and clear insight. We close this prayer by asking You, our God, to assist all of us in our ability to learn to do, do to earn, earn to live, and live to serve. Let us not grow weary in our commitment to service to our beloved state. God bless Texas, and let us as Texans be always thankful for God's blessings. In God we trust. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 6, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 148 Flynn

Requesting that the Governor return House Bill No. 74 to the House of Representatives.

SB 201 Uresti Sponsor: Callegari

Relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

(Amended)

SB 656 Huffman Sponsor: Bonnen

Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

(Committee Substitute/Amended)

SB 748 Carona Sponsor: Giddings

Relating to business entities and associations.

(Amended)

SB 1153 Williams Sponsor: Ritter

Relating to the authority of the Public Utility Commission of Texas to participate in certain proceedings before the Federal Energy Regulatory Commission.

(Amended)

SB 1490 Uresti Sponsor: Hunter

Relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.

SB 1568 Estes Sponsor: Elkins

Relating to shareholder standing after a merger.

SB 1716 Duncan Sponsor: Fletcher

Relating to voidability of contracts procured through and liability arising from conduct constituting barratry; providing a civil penalty.

SJR 4 Hinojosa Sponsor: Ritter

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 15 (94 Yeas, 41 Nays, 1 Present, not voting)

HB 600 (80 Yeas, 61 Nays, 3 Present, not voting)

HB 906 (141 Yeas, 0 Nays, 2 Present, not voting)

HB 984 (146 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1555 (142 Yeas, 0 Nays, 1 Present, not voting)

House Conferees: Thompson - Chair/Allen/Eissler/Hartnett/Hochberg

HB 1956 (146 Yeas, 0 Nays, 1 Present, not voting)

House Conferees: Thompson - Chair/Gutierrez/Hamilton/Harless/Menendez

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 18 (145 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 931

Senator Patrick offered the following resolution:

SR 931, Recognizing the participants in the Texas Honor Ride.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate a Texas Honor Ride delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 932

Senator Whitmire offered the following resolution:

SR 932, Congratulating Dr. Lannette Linthicum on receiving the 2011 E. R. Cass Correctional Achievement Award.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Whitmire was recognized and introduced to the Senate Lannette Linthicum.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate eighth-grade students from Devers ISD in Liberty County.

The Senate welcomed its guests.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 5, 2011

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation relating to the reform of civil remedies and procedures in the State of Texas.

Respectfully submitted,
/s/ Rick Perry
Governor

CONCLUSION OF MORNING CALL

The President Pro Tempore at 10:34 a.m. announced the conclusion of morning call.

SENATE BILL 1905 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 1905** at this time on its second reading:

SB 1905, Relating to the provision of emergency services in certain rural counties using admission fees charged at state parks.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1905** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 354.001(1), Local Government Code (page 1, line 17), between "20,000" and the semicolon, insert "that is adjacent to a county with an international border".

(2) In SECTION 1 of the bill, in added Section 354.051(a), Local Government Code (page 1, line 26), before "may", insert "and deposited in the state parks account under Section 11.035, Parks and Wildlife Code,".

The amendment to **SB 1905** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1905 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

SENATE BILL 1905 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1905** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1905**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1905** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

COMMITTEE SUBSTITUTE
SENATE BILL 1214 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1214** at this time on its second reading:

CSSB 1214, Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities.

The motion prevailed.

Senators Duncan, Eltife, Fraser, Nichols, Uresti, Watson, Wentworth, and West asked to be recorded as voting "Nay" on suspension of the regular order of business.

Senator Van de Putte asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1214** as follows:

(1) In SECTION 1 of the bill, in the heading to added Section 33.0832, Education Code (senate committee printing, page 1, line 17), between "ACTIVITIES" and the period, insert "OTHER THAN FOOTBALL OR BASKETBALL".

(2) In SECTION 1 of the bill, in added Section 33.0832(b), Education Code (senate committee printing, page 1, line 22), between "activities" and the period, insert "other than football or basketball".

(3) In SECTION 1 of the bill, strike added Section 33.0832(i), Education Code (senate committee printing, page 2, lines 6-20), and substitute the following:

(i) Notwithstanding any other provision of this section, but subject to Subsection (h), the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities, other than football or basketball, at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities, other than football or basketball, at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities, other than football or basketball, at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities, other than football or basketball, at the 5A league district level beginning with the 2014-2015 school year.

The amendment to **CSSB 1214** was read.

Senator Patrick temporarily postponed further consideration of **CSSB 1214**.

Question — Shall Floor Amendment No. 1 to **CSSB 1214** be adopted?

HOUSE BILL 46 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 46** at this time on its second reading:

HB 46, Relating to compensatory time off for certain employees of the Parks and Wildlife Department.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 46 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 46** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 46**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 46** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1625 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **HB 1625** at this time on its second reading:

HB 1625, Relating to the renewal of electrical sign apprentice licenses.

The motion prevailed.

Senator Estes asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Estes.

HOUSE BILL 1625 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1625** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Estes.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1806 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1806** at this time on its second reading:

CSSB 1806, Relating to timely filing of a surplus lines policy; providing penalties.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1806** (senate committee printing) in SECTION 2 of the bill, in the transition provision, by striking Subsections (b) and (c) (page 2, lines 9 through 20) and substituting the following:

(b) Section 981.105, Insurance Code, as amended by this Act, applies to an action to enforce Section 981.105, Insurance Code, that is:

(1) pending on the effective date of this Act;

(2) brought on or after the effective date of this Act against a surplus lines agent for policies filed after the filing deadline prescribed by Subsection (a), Section 981.105, Insurance Code, and filed during the 2010 calendar year; or

(3) brought on or after the effective date of this Act against a surplus lines agent for policies filed after the filing deadline prescribed by Subsection (a), Section 981.105, Insurance Code, and filed during the 2011 calendar year.

(c) Not later than December 1, 2011, the Texas Department of Insurance shall provide notice to each surplus lines agent to which Subdivisions (1) and (2) of Subsection (b) of this section apply of the amount of fees assessed. The surplus lines agent shall pay the fee not later than the 30th day after the date of the notice.

(d) The notice and payment provisions described by Subsection (i), Section 981.105, Insurance Code, as added by this Act, apply to policies filed during or after the 2011 calendar year.

The amendment to **CSSB 1806** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1806 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1806 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1806** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1032 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1032** at this time on its second reading:

HB 1032, Relating to a rescission period for annuity contracts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1032 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1032** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1214 ON SECOND READING

The President Pro Tempore laid before the Senate **CSSB 1214** by Senator Patrick on its second reading. The bill had been read second time, an amendment offered, and further consideration temporarily postponed:

CSSB 1214, Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities.

Question — Shall Floor Amendment No. 1 to **CSSB 1214** be adopted?

Senator Seliger withdrew Floor Amendment No. 1.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1214** as follows:

(1) In SECTION 1 of the bill, in the heading to added Section 33.0832, Education Code (senate committee printing, page 1, line 17), between "ACTIVITIES" and the period, insert "OTHER THAN FOOTBALL OR BASKETBALL".

(2) In SECTION 1 of the bill, in added Section 33.0832(b), Education Code (senate committee printing, page 1, line 22), between "activities" and the period, insert "other than football or basketball".

(3) In SECTION 1 of the bill, strike added Section 33.0832(i), Education Code (senate committee printing, page 2, lines 6-20), and substitute the following:

(i) Notwithstanding any other provision of this section, but subject to Subsection (h), the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities, other than football or basketball, at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities, other than football or basketball, at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities, other than football or basketball, at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities, other than football or basketball, at the 5A league district level beginning with the 2014-2015 school year.

(6) Nothing in this section affects the right of a private school participating in league activities during the 2010-11 school year to continue participating in league activities in subsequent school years in a manner comparable to the school's participation during the 2010-11 school year.

The amendment to **CSSB 1214** was read and was adopted by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ogden.

Present-not voting: Van de Putte.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1214 as amended was passed to engrossment by the following vote: Yeas 21, Nays 8, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Estes, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Whitmire, Williams, Zaffirini.

Nays: Duncan, Eltife, Fraser, Hegar, Nichols, Uresti, Watson, Wentworth.

Present-not voting: Van de Putte.

Absent: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 1214 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1214** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Whitmire, Williams, Zaffirini.

Nays: Duncan, Nichols, Uresti, Watson, Wentworth.

Present-not voting: Van de Putte.

Absent: West.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 8, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Estes, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Whitmire, Williams, Zaffirini.

Nays: Duncan, Eltife, Fraser, Hegar, Nichols, Uresti, Watson, Wentworth.

Present-not voting: Van de Putte.

Absent: West.

REASON FOR VOTE

Senator Van de Putte submitted the following reason for vote on **CSSB 1214**:

Because I have a family member within the first degree of consanguinity who might benefit from the passage of Senate Bill 1214, I respectfully ask to be shown as present-not voting.

VAN DE PUTTE

**COMMITTEE SUBSTITUTE
SENATE BILL 1729 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1729** at this time on its second reading:

CSSB 1729, Relating to the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.

The motion prevailed.

Senators Nelson and Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Nelson, Ogden.

Absent: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1729 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1729** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Nelson, Ogden.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1417 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1417** at this time on its second reading:

CSSB 1417, Relating to the limitation of liability of certain landowners.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1417 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Williams was granted leave of absence for the remainder of the day on account of important business.

**COMMITTEE SUBSTITUTE
SENATE BILL 546 ON THIRD READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 546** at this time on its third reading and final passage:

CSSB 546, Relating to the dispensing of certain drugs by physicians.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Birdwell, Carona, Deuell, Ellis, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Davis, Duncan, Fraser, Gallegos, Hinojosa, Lucio, Shapiro, Uresti, Van de Putte, Wentworth.

Absent-excused: Williams.

The bill was read third time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 546** on third reading, in SECTION 1 of the bill, in amended Section 158.001(b), Occupations Code, between the second and third sentences, by inserting "A physician may not under this section dispense a Schedule II-V controlled substance as specified under Chapter 481, Health and Safety Code."

The amendment to **CSSB 546** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading except as follows:

Absent-excused: Williams.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 2 on Third Reading

Amend **CSSB 546** on third reading by:

(1) adding "Except as provided by Subsection (d)," to the beginning of Subsection (b), Section 158.001, Occupations Code

(2) adding a new Subsection (d), Section 158.001, Occupations Code to read as follows:

"(d) Subsection (b) does not apply to workers' compensation insurance coverage as defined by Section 401.011, Labor Code."

(3) adding a new SECTION 2 of the bill by adding a new Section 158.0011, Occupations Code to read as follows:

"SECTION 2. Title 3, Subchapter B, Chapter 158, Occupations Code is amended by adding a new Section 158.0011 to read as follows:

Sec. 158.0011. DISPENSING OF DANGEROUS DRUGS FOR WORKERS' COMPENSATION INSURANCE COVERAGE IN CERTAIN RURAL AREAS. (a) In this section, "reimbursement for cost" means an additional charge, separate from that imposed for the physician's professional services, that includes the cost of the drug product and all other actual costs to the physician incidental to providing the dispensing service. The term does not include a separate fee imposed for the act of dispensing the drug itself.

(b) This section applies to an area located in a county with a population of 5,000 or less, or in a municipality or an unincorporated town with a population of less than 2,500, that is within a 15-mile radius of the physician's office and in which a pharmacy is not located. This section does not apply to a municipality or an unincorporated town that is adjacent to a municipality with a population of 2,500 or more.

(c) A physician who practices medicine in an area described by Subsection (b) may:

(1) maintain a supply of dangerous drugs in the physician's office to be dispensed in the course of treating the physician's patients; and

(2) be reimbursed for the cost of supplying those drugs without obtaining a license under Chapter 558.

(d) A physician who dispenses dangerous drugs under Subsection (c) shall:

(1) comply with each labeling provision under Subtitle J applicable to that class of drugs; and

(2) oversee compliance with packaging and recordkeeping provisions applicable to that class of drugs.

(e) A physician who desires to dispense dangerous drugs under this section shall notify both the Texas State Board of Pharmacy and the board that the physician practices in an area described by Subsection (b). The physician may continue to dispense dangerous drugs in the area until the Texas State Board of Pharmacy determines, after notice and hearing, that the physician no longer practices in an area described by Subsection (b)."

The amendment to **CSSB 546** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 on Third Reading except as follows:

Absent-excused: Williams.

On motion of Senator Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 546 as amended was finally passed by the following vote: Yeas 17, Nays 13.

Yeas: Birdwell, Deuell, Ellis, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, West, Zaffirini.

Nays: Carona, Davis, Duncan, Fraser, Gallegos, Hinojosa, Lucio, Shapiro, Uresti, Van de Putte, Watson, Wentworth, Whitmire.

Absent-excused: Williams.

HOUSE BILL 1346 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1346** at this time on its second reading:

HB 1346, Relating to the consistent use of the term "game warden" throughout the Parks and Wildlife Code.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Williams.

HOUSE BILL 1346 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Eltife in Chair)

SENATE BILL 1420 WITH HOUSE AMENDMENTS

Senator Hinojosa called **SB 1420** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1420** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.001, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In this chapter, "local transportation entity" means an entity that participates in the transportation planning process, including:

- (1) a regional tollway authority under Chapter 366;
- (2) a regional transportation authority under Chapter 452;
- (3) a rural transit district under Chapter 458; or
- (4) a metropolitan planning organization under Subchapter D, Chapter 472.

SECTION 2. Section 201.051, Transportation Code, is amended by amending Subsections (d), (f), (g), (h), and (j) and adding Subsection (b-1) to read as follows:

(b-1) A member of the commission may not accept a contribution to a campaign for election to an elected office. If a commissioner accepts a campaign contribution, the person is considered to have resigned from the office and the office immediately becomes vacant. The vacancy shall be filled in the manner provided by law.

(d) A [Except as provided by Subsection (e), a] person is not eligible to serve [for appointment] as a member of the commission if the person or the person's spouse:

- (1) is employed by or participates in the management of a business entity or other organization that is regulated by or receives funds from the department;
- (2) directly or indirectly owns or controls more than 10 percent interest in a business entity or other organization that is regulated by or receives funds from the department;
- (3) uses or receives a substantial amount of tangible goods, services, or funds from the department, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or
- (4) is registered, certified, or licensed by the department.

(f) An officer, employee, or paid consultant of a Texas trade association in the field of road construction or maintenance, aviation, or outdoor advertising is not eligible to serve as [or a Texas trade association of automobile dealers may not be] a member of the commission.

(g) The spouse of an officer, manager, or paid consultant of a Texas trade association in the field of road construction or maintenance, aviation, or outdoor advertising is not eligible to serve as [or a Texas association of automobile dealers may not be] a member of the commission.

(h) A person required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department is not eligible to [may not] serve as a member of the commission.

(j) In this section, "Texas trade association" means a [nonprofit,] cooperative[;] and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

SECTION 3. Section 201.053(a), Transportation Code, is amended to read as follows:

(a) The governor [periodically] shall designate one commissioner as the chair of the commission, who shall serve as presiding officer of the commission.

SECTION 4. Section 201.057(a), Transportation Code, is amended to read as follows:

(a) It is a ground for removal from the commission if a commissioner:

(1) does not have at the time of taking office [~~appointment~~] or maintain during service on the commission the qualifications required by Section 201.051;

(2) violates a prohibition provided by Section 201.051;

(3) cannot discharge the commissioner's duties for a substantial part of the term for which the commissioner is appointed because of illness or disability; or

(4) is absent from more than half of the regularly scheduled commission meetings that the commissioner is eligible to attend during a calendar year, unless the absence is excused by majority vote of the commission.

SECTION 5. Section 201.058, Transportation Code, is amended to read as follows:

Sec. 201.058. INFORMATION ON QUALIFICATIONS AND CONDUCT.

The department shall provide to the members of the commission, as often as necessary, information concerning the members' qualifications for office [~~under Subchapter B~~] and their responsibilities under applicable laws relating to standards of conduct for state officers.

SECTION 6. (a) Subchapter C, Chapter 201, Transportation Code, is amended by adding Section 201.1075 to read as follows:

Sec. 201.1075. CHIEF FINANCIAL OFFICER. (a) The department shall employ a chief financial officer. The chief financial officer must be a certified public accountant who is licensed and in good standing in this state.

(b) The chief financial officer shall oversee the department's financial activities, including:

(1) managing department debt and debt portfolio;

(2) programming and scheduling of transportation projects; and

(3) letting and management activities associated with project delivery and certifying project letting.

(c) The chief financial officer may contract with experts and consultants to assist the department:

(1) in matters involving debt management, comprehensive development agreements, regional mobility authorities, toll roads, or public-private partnerships; and

(2) in exploring other mechanisms to finance transportation projects.

(d) The chief financial officer shall ensure that the department's financial activities are conducted in a transparent and reliable manner.

(e) The chief financial officer shall report to the director.

(b) Section 201.1075, Transportation Code, as added by this section, does not apply to a person serving as the chief financial officer of the Texas Department of Transportation immediately before the effective date of this Act. Section 201.1075, Transportation Code, as added by this section, applies only to a chief financial officer whose employment begins on or after the effective date of this Act.

SECTION 7. Subchapter C, Chapter 201, Transportation Code, is amended by adding Sections 201.118 and 201.119 to read as follows:

Sec. 201.118. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The department shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 201.119. DIRECTOR PARTICIPATION IN RETIREMENT SYSTEM. (a) In this section, "retirement system" means the Employees Retirement System of Texas.

(b) The commission may offer the director optional participation in the retirement system.

(c) Notwithstanding Section 812.003, Government Code, the director is not required to be a member of the retirement system if:

(1) the director is offered under this section the option of whether to be a member of the system; and

(2) the director elects not to be a member of the system.

(d) If the director elects under Subsection (c) not to be a member of the retirement system, the annual salary set as compensation for the position is increased by the amount that the state would have contributed to the retirement program for that position for that year if the person were a member of the system.

(e) An election under this section does not affect the director's eligibility to participate as an employee in the group benefits program under Chapter 1551, Insurance Code.

SECTION 8. Section 201.204, Transportation Code, is amended to read as follows:

Sec. 201.204. SUNSET PROVISION. The Texas Department of Transportation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, ~~2011~~ 2015.

SECTION 9. Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.2041 to read as follows:

Sec. 201.2041. SUBMISSION OF FINANCIAL AUDIT TO SUNSET COMMISSION. (a) The department shall submit with its agency report under Section 325.007, Government Code, a complete and detailed financial audit conducted by an independent certified public accountant.

(b) Subsection (a) does not apply if the department is subject to sunset review during the previous two-year period.

SECTION 10. Subchapter D, Chapter 201, Transportation Code, is amended by adding Sections 201.210 and 201.211 to read as follows:

Sec. 201.210. LEGISLATIVE LOBBYING. (a) In addition to Section 556.006, Government Code, the commission or a department employee may not use money under the department's control or engage in an activity to influence the passage or defeat of legislation.

(b) Violation of Subsection (a) is grounds for dismissal of an employee.

(c) This section does not prohibit the commission or department employee from using state resources to:

(1) provide public information or information responsive to a request; or

(2) communicate with officers and employees of the federal government regarding federal appropriations and programs.

(d) The department may not spend any money appropriated to the department for the purpose of selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq.), unless that expenditure is allowed under other law.

Sec. 201.211. ETHICS AFFIRMATION AND HOTLINE. (a) A department employee shall annually affirm the employee's adherence to the ethics policy adopted under Section 572.051(c), Government Code.

(b) The department shall establish and operate a telephone hotline that enables a person to call the hotline number, anonymously or not anonymously, to report alleged fraud, waste, or abuse or an alleged violation of the ethics policy adopted under Section 572.051(c), Government Code.

SECTION 11. Section 201.401(a), Transportation Code, is amended to read as follows:

(a) A person may not be an employee of the department who is employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), ~~[exempt from the state's position classification plan or compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule]~~ if the person is:

(1) an officer, employee, or paid consultant of a Texas trade association[-

~~[(A)]~~ in the field of road construction or maintenance or outdoor advertising; or

~~[(B) of automobile dealers; or]~~

(2) the spouse of an officer, manager, or paid consultant described by Subdivision (1).

SECTION 12. Section 201.404, Transportation Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) If an annual performance evaluation indicates unsatisfactory performance by an employee employed in a position at or above the level of district engineer, the commission shall consider whether the employee should be terminated. The annual performance evaluation of a position described by this subsection must include an evaluation of an employee's:

(1) professionalism;

(2) diligence; and

(3) responsiveness to directives and requests from the commission and the legislature.

(b-2) If an annual performance evaluation indicates unsatisfactory performance by an employee employed in a position that is below the level of district engineer, the department shall consider whether the employee should be terminated. The department shall provide a report to the commission regarding employees whose performances were unsatisfactory but who were not terminated.

SECTION 13. Chapter 201, Transportation Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. INSPECTOR GENERAL

Sec. 201.451. INSPECTOR GENERAL. (a) The commission may appoint an inspector general who reports to the commission.

(b) If appointed, the inspector general shall:

(1) audit the department's financial condition and the efficiency of its business practices;

(2) evaluate the efficiency of the department's administrative practices and performance, including business plan performance measures, relationships with metropolitan planning organizations, performance of department districts and offices, and the need for standardization;

(3) identify the need and opportunities for reductions in staff and the need for a better or differently skilled workforce;

(4) study the implementation of and improvements to a commitment-based budget or business plan based on outcomes;

(5) identify ways to streamline the environmental approval process;

(6) evaluate compliance with applicable laws and legislative intent; and

(7) evaluate the efficient use of available funding, personnel, equipment, and office space.

Sec. 201.452. COOPERATION AND COORDINATION WITH STATE AUDITOR. (a) An inspector general's review does not take precedence over the state auditor's review.

(b) The inspector general may meet with the state auditor's office to coordinate a review conducted under this subchapter, share information, or schedule work plans.

(c) In addition to the authority in Chapter 321, Government Code, the state auditor is entitled to access all information maintained by the inspector general, including vouchers, electronic data, internal records, and other information.

(d) Any information obtained or provided by the state auditor under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 201.453. FINAL REVIEW REPORTS. (a) The inspector general shall prepare a final report for each review conducted under Section 201.451. The final report must include:

(1) a summary of the activities performed by the inspector general in conducting the review; and

(2) a description of any findings in connection with a review conducted under Section 201.451.

(b) An inspector general's final reports are subject to disclosure under Chapter 552, Government Code.

(c) Unless otherwise prohibited by this chapter or other law, the inspector general shall deliver a copy of each final report that concerns the implementation or administration of a state or federally funded program to:

(1) the commission and the executive director;

(2) the governor;

(3) the lieutenant governor;

(4) the speaker of the house of representatives;

(5) the state auditor; and

(6) the appropriate legislative oversight committees.

SECTION 14. Section 201.601, Transportation Code, is amended to read as follows:

Sec. 201.601. STATEWIDE TRANSPORTATION PLAN. (a) The department shall develop a statewide transportation plan covering a period of at least 20 years. The plan must include:

(1) the statewide transportation improvement program;

(2) a 10-year developmental program to guide the development of and authorize construction of transportation projects for the mid-term period of the statewide transportation improvement program; and

(3) specific, long-term transportation goals for [~~that contains~~] all modes of transportation, including:

(A) [~~(+)~~] highways and turnpikes;

(B) [~~(=)~~] aviation;

(C) [~~(=)~~] mass transportation;

(D) [~~(+)~~] railroads and high-speed railroads; and

(E) [~~(=)~~] water traffic.

(a-1) The plan must:

(1) contain specific, long-term transportation goals for the state and measurable targets for each goal;

(2) identify priority projects or areas of the state that are of particular concern to the department in meeting the goals established under Subdivision (1); and

(3) contain a participation plan specifying methods for obtaining formal input on the goals and priorities identified under this subsection from:

(A) other state agencies;

(B) political subdivisions;

(C) local transportation entities; and

(D) the general public.

(b) ~~[In developing the plan, the department shall seek opinions and assistance from other state agencies and political subdivisions that have responsibility for the modes of transportation listed by Subsection (a).] As appropriate, the department and the entities listed in Subsection (a-1)(3) [such an agency or political subdivision] shall enter into a memorandum of understanding relating to the planning of transportation services.~~

(c) The plan must include a component that is not financially constrained and identifies transportation improvements designed to relieve congestion. In developing this component of the plan, the department shall seek opinions and assistance from officials who have local responsibility for modes of transportation listed in Subsection (a).

(d) ~~[The plan shall include a component, published annually, that describes the evaluation of transportation improvements based on performance measures, such as indices measuring delay reductions or travel time improvements.] The department shall consider the goals and measurable targets established under Subsection (a-1)(1) [the performance measures] in selecting transportation projects [improvements].~~

(e) The department annually shall provide to the lieutenant governor, the speaker of the house of representatives, and the chair of the standing committee of each house of the legislature with primary jurisdiction over transportation issues an analysis of the department's progress in attaining the goals under Subsection (a-1)(1). The department shall make the information under this subsection available on its Internet website.

(f) The department shall update the plan every four years, or more frequently if necessary.

SECTION 15. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6015 to read as follows:

Sec. 201.6015. INTEGRATION OF PLANS AND POLICY EFFORTS. In developing each of its transportation plans and policy efforts, the department must clearly reference the statewide transportation plan under Section 201.601 and specify how the plan or policy effort supports or otherwise relates to the specific goals under that section.

SECTION 16. Section 201.616(a), Transportation Code, is amended to read as follows:

(a) Not later than December 1 of each year, the department shall submit a report to the legislature that details:

(1) the expenditures made by the department in the preceding state fiscal year in connection with:

(A) the developmental ~~[unified transportation]~~ program of the department;

(B) turnpike projects and toll roads of the department;

(C) the Trans-Texas Corridor;

(D) rail facilities described in Chapter 91; and

(E) non-highway facilities on the Trans-Texas Corridor if those expenditures are subject to Section 227.062(c);

(2) the amount of bonds or other public securities issued for transportation projects; and

(3) the direction of money by the department to a regional mobility authority in this state.

SECTION 17. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.620 to read as follows:

Sec. 201.620. COORDINATION WITH METROPOLITAN PLANNING ORGANIZATIONS TO DEVELOP LONG-TERM PLANNING ASSUMPTIONS. The department shall collaborate with metropolitan planning organizations to develop mutually acceptable assumptions for the purposes of long-range federal and state funding forecasts and use those assumptions to guide long-term planning in the statewide transportation plan under Section 201.601.

SECTION 18. Section 201.710(c), Transportation Code, is amended to read as follows:

(c) The department shall include projects related to ports of entry in its developmental [~~unified transportation~~] program or any successor to that program.

SECTION 19. (a) Section 201.801, Transportation Code, is amended to read as follows:

~~Sec. 201.801. [INFORMATION ABOUT DEPARTMENT;] COMPLAINTS.~~
(a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department. The department shall maintain information about the parties to and the subject matter of a complaint and a summary of the results of the review or investigation of the complaint and the disposition of the complaint.

(b) The department shall make information available describing its procedures for complaint investigation and resolution [prepare information of public interest describing the functions of the department and the department's procedures by which a complaint is filed with the department and resolved by the department. The department shall make the information available to the public and appropriate state agencies].

~~[(b) The commission by rule shall establish methods by which consumers and service recipients are notified of the department's name, mailing address, and telephone number for directing complaints to the department. The commission may provide for that notification:~~

~~(1) on each registration form, application, or written contract for services of an individual or entity regulated by the department;~~

~~(2) on a sign prominently displayed in the place of business of each individual or entity regulated by the department; or~~

~~(3) in a bill for service provided by an individual or entity regulated by the department.]~~

(c) ~~[The department shall:~~

~~(1) keep an information file about each written complaint filed with the department that the department has the authority to resolve; and~~

~~(2) provide the person who filed the complaint, and each person or entity that is the subject of the complaint, information about the department's policies and procedures relating to complaint investigation and resolution.~~

~~[(d)] The department[, at least quarterly and until final disposition of a written complaint that is filed with the department and that the department has the authority to resolve,] shall periodically notify the parties to the complaint of its status until final disposition unless the notice would jeopardize an undercover investigation.~~

~~(d) The commission shall adopt rules applicable to each division and district to establish a process to act on complaints filed with the department [(e) With regard to each complaint filed with the department, the department shall keep the following information:~~

~~(1) the date the complaint is filed;~~

~~(2) the name of the person filing the complaint;~~

~~(3) the subject matter of the complaint;~~

~~(4) a record of each person contacted in relation to the complaint;~~

~~(5) a summary of the results of the review or investigation of the~~

~~complaint; and~~

~~[(6) if the department takes no action on the complaint, an explanation of the reasons that no action was taken].~~

~~(e) The department shall develop a standard form for submitting a complaint and make the form available on its Internet website. The department shall establish a method to submit complaints electronically.~~

~~(f) The department shall develop a method for analyzing the sources and types of complaints and violations and establish categories for the complaints and violations. The department shall use the analysis to focus its information and education efforts on specific problem areas identified through the analysis.~~

~~(g) The department shall:~~

~~(1) compile:~~

~~(A) detailed statistics and analyze trends on complaint information,~~

~~including:~~

~~(i) the nature of the complaints;~~

~~(ii) their disposition; and~~

~~(iii) the length of time to resolve complaints;~~

~~(B) complaint information on a district and a divisional basis; and~~

~~(C) the number of similar complaints filed, and the number of persons~~

~~who filed each complaint; and~~

~~(2) report the information, statistics, and analysis on a monthly basis to the division directors, office directors, and district engineers and on a quarterly basis to the commission.~~

~~(b) The Texas Transportation Commission shall adopt rules under Section 201.801, Transportation Code, as amended by this section, not later than March 1, 2012.~~

~~SECTION 20. Section 201.802(a), Transportation Code, is amended to read as follows:~~

~~(a) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and speak on any issue under the jurisdiction of the department [commission].~~

~~SECTION 21. Subchapter J, Chapter 201, Transportation Code, is amended by adding Sections 201.807, 201.808, 201.809, 201.810, and 201.811 to read as follows:~~

Sec. 201.807. PROJECT INFORMATION REPORTING SYSTEM. (a) The department shall establish a project information reporting system that makes available in a central location on the department's Internet website easily accessible and searchable information regarding all of the department's transportation plans, including the developmental program required by Section 201.991. The department shall post information on its Internet website as required by this subsection as the information becomes available to the department and in a manner that is not cost prohibitive. The project information reporting system shall contain information about:

(1) each department project, including:

(A) the status of the project;

(B) each source of funding for the project;

(C) benchmarks for evaluating the progress of the project;

(D) timelines for completing the project;

(E) a list of the department employees responsible for the project,

including information to contact each person on that list; and

(F) the results of the annual review required under Subsection (d);

(2) each construction work zone for a project that has a construction phase timeline that exceeds one month or the cost of which exceeds \$5 million, including information about:

(A) the number of lanes that will remain open during the project's construction phase;

(B) the location and duration of each lane closure; and

(C) the expected traffic delay resulting from each lane closure;

(3) road maintenance projects, including:

(A) the criteria for designating a project as a road maintenance project;

and

(B) the condition of each road before the road maintenance project; and

(4) the department's funds, including each source for the department's funds and each expenditure made by the department reported by each:

(A) department district;

(B) program funding category as required by Section 201.991(b)(2);

and

(C) type of revenue, including revenue from a comprehensive development agreement or a toll project.

(b) In developing the project information reporting system, the department shall collaborate with:

(1) the legislature;

(2) local transportation entities; and

(3) members of the public.

(c) The department shall make the information provided under this section available on the department's Internet website in more than one downloadable electronic format.

(d) As a component of the project information reporting system required by this section, the department shall conduct an annual review of the benchmarks and timelines of each project included in the department's transportation plans, including the developmental program, to determine the completion rates of the projects and whether the projects were completed on time.

(e) The department shall update the information contained in the project information reporting system on a regular basis, as specified by commission rule.

Sec. 201.808. TRANSPORTATION EXPENDITURE PRIORITIES. (a) The department shall develop a process to identify and distinguish between the transportation projects that are required to maintain the state infrastructure and the transportation projects that would improve the state infrastructure in a manner consistent with the statewide transportation plan required by Section 201.601.

(b) The department shall establish a transportation expenditure reporting system that makes available in a central location on the department's Internet website easily accessible and searchable information regarding the priorities of transportation expenditures for the identified transportation projects.

(c) The department shall include in the transportation expenditure reporting system:

(1) a list of the most significant transportation problems in each department district as described by the statewide transportation plan developed under Section 201.601, including the component required by Section 201.601(c);

(2) reports prepared by the department or an institution of higher education that evaluate the effectiveness of the department's expenditures on transportation projects to achieve the transportation goal;

(3) information about the condition of the pavement for each highway under the jurisdiction of the department, including:

(A) the international roughness index issued by the United States Department of Transportation Federal Highway Administration; and

(B) the percentage of pavement that the department determines to be in good or better condition;

(4) the condition of bridges, including information about:

(A) bridges that are structurally deficient or functionally obsolete; and

(B) bridge condition scores;

(5) information about traffic congestion and traffic delays, including:

(A) the locations of the worst traffic delays;

(B) the variable travel time for major streets and highways in this state;

and

(C) the effect of traffic congestion on motor vehicle travel and motor carriers; and

(6) information about the number of traffic accidents, injuries, and fatalities, including a list of the locations in each department district for the highest number of traffic accidents, injuries, or fatalities, as that information becomes available to the department.

(d) The department shall provide the information made available under Subsection (c) in a format that allows a person to conduct electronic searches for information regarding a specific county, highway under the jurisdiction of the department, or type of road.

(e) The department shall establish criteria to prioritize the transportation needs for the state that is consistent with the statewide transportation plan.

(f) Each department district shall enter information into the transportation expenditure reporting system, including information about:

(1) each district transportation project; and

(2) the category to which the project has been assigned and the priority of the project according to Section 201.995.

(g) The transportation expenditure reporting system shall allow a person to compare information produced by that system to information produced by the project information reporting system.

Sec. 201.809. STATEWIDE TRANSPORTATION REPORT. (a) The department annually shall evaluate and publish a report about the status of each transportation goal for this state. The report must include:

(1) information about the progress of each long-term transportation goal that is identified by the statewide transportation plan;

(2) the status of each project identified as a major priority;

(3) a summary of the number of statewide project implementation benchmarks that have been completed; and

(4) information about the accuracy of previous department financial forecasts.

(b) The department shall disaggregate the information in the report by department district.

(c) The department shall provide a copy of the district report to each member of the legislature for each department district located in the member's legislative district, and at the request of a member, a department employee shall meet with the member to explain the report.

(d) The department shall provide a copy of each district report to the political subdivisions located in the department district that is the subject of the report, including:

(1) a municipality;

(2) a county; and

(3) a local transportation entity.

Sec. 201.810. DEPARTMENT INFORMATION CONSOLIDATION. (a) To the extent practicable and to avoid duplication of reporting requirements, the department may combine the reports required under this subchapter with reports required under other provisions of this code.

(b) The department shall develop a central location on the department's Internet website that provides easily accessible and searchable information to the public contained in the reports required under this subchapter and other provisions of this code.

Sec. 201.811. PUBLIC INVOLVEMENT POLICY. (a) The department shall develop and implement a policy for public involvement that guides and encourages public involvement with the department. The policy must:

(1) provide for the use of public involvement techniques that target different groups and individuals;

(2) encourage continuous contact between the department and persons outside the department throughout the transportation decision-making process;

(3) require the department to make efforts toward:

(A) clearly tying public involvement to decisions made by the department; and

(B) providing clear information to the public about specific outcomes of public input;

(4) apply to all public input with the department, including input:

(A) on statewide transportation policy-making;

(B) in connection with the environmental process relating to specific projects; and

(C) into the commission's rulemaking procedures; and

(5) require a person who makes or submits a public comment, at the time the comment is made or disclosed, to disclose whether the person:

(A) does business with the department;

(B) may benefit from a project; or

(C) is an employee of the department.

(b) The department shall document the number of positive, negative, or neutral public comments received regarding all environmental impact statements as expressed by the public through the department's public involvement process. The department shall:

(1) present this information to the commission in an open meeting; and

(2) report this information on the department's Internet website in a timely manner.

SECTION 22. Chapter 201, Transportation Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. DEVELOPMENTAL PROGRAM

Sec. 201.991. DEVELOPMENTAL PROGRAM. (a) The developmental program required as part of the statewide transportation plan under Section 201.601 must:

(1) annually identify target funding levels; and

(2) list all projects that the department intends to develop or begin construction of during the program period.

(b) The commission shall adopt rules that:

(1) specify the criteria for selecting projects to be included in the program;

(2) define program funding categories, including categories for safety, maintenance, and mobility; and

(3) define each phase of a major transportation project, including the planning, programming, implementation, and construction phases.

(c) The department shall publish the developmental program as part of the entire statewide transportation plan, including summary documents highlighting project benchmarks, priorities, and forecasts, in appropriate media and on the department's Internet website in a format that is easily understandable by the public.

(d) In developing the rules required by this section, the commission shall collaborate with local transportation entities.

Sec. 201.992. ANNUAL UPDATE TO DEVELOPMENTAL PROGRAM. (a) The department shall annually update the developmental program.

(b) The annual update must include:

(1) the annual funding forecast required by Section 201.993;

(2) the list of major transportation projects required by Section 201.994(b);

and

(3) the category to which the project has been assigned and the priority of the project in the category established by Section 201.995.

(c) The department shall collaborate with local transportation entities to develop the annual update to the developmental program.

Sec. 201.993. ANNUAL FUNDING AND CASH FLOW FORECASTS. (a) The department annually shall:

(1) develop and publish a forecast of all funds the department expects to receive, including funds from this state and the federal government; and

(2) use that forecast to guide planning for the developmental program.

(b) The department shall collaborate with local transportation entities to develop scenarios for the forecast required by Subsection (a) based on mutually acceptable funding assumptions.

(c) Not later than September 1 of each year, the department shall prepare and publish a cash flow forecast for a period of 20 years.

Sec. 201.994. MAJOR TRANSPORTATION PROJECTS. (a) The commission by rule shall:

(1) establish criteria for designating a project as a major transportation project;

(2) develop benchmarks for evaluating the progress of a major transportation project and timelines for implementation and construction of a major transportation project; and

(3) determine which critical benchmarks must be met before a major transportation project may enter the implementation phase of the developmental program.

(b) The department annually shall update the list of projects that are designated as major transportation projects.

(c) In adopting rules required by this section, the commission shall collaborate with local transportation entities.

Sec. 201.995. PRIORITY PROJECTS IN PROGRAM CATEGORIES. (a) The commission by rule shall:

(1) establish categories in the developmental program;

(2) assign each project identified in the program to a category; and

(3) designate the priority ranking of each project within each category.

(b) The department shall collaborate with local transportation entities when assigning each project included in the developmental program to a category established under Subsection (a).

(c) The highest priority projects within an applicable category of the developmental program must be projects designated as major transportation projects.

Sec. 201.996. FUNDING ALLOCATION FORMULAS AND CATEGORIES.

(a) For each funding category established under Section 201.991(b)(2), the commission by rule shall specify the formulas for allocating funds to districts and metropolitan planning organizations for:

(1) preventive maintenance and rehabilitation of the state highway system in all districts;

(2) mobility and added capacity projects in metropolitan and urban areas;

(3) mobility and added capacity projects on major state highways that provide statewide connectivity between urban areas and highway system corridors;

(4) congestion mitigation and air quality improvement projects in nonattainment areas;

(5) metropolitan mobility and added capacity projects within the boundaries of designated metropolitan planning areas of metropolitan planning organizations located in a transportation management area;

(6) transportation enhancements project funding; and

(7) projects eligible for federal or state funding, as determined by the applicable district engineer.

(b) Subject to applicable state and federal law, the commission shall determine the allocation of funds in all of the other categories established under Section 201.991(b)(2), including a category for projects of specific importance to the state, including projects that:

(1) promote economic opportunity;

(2) increase efficiency on military deployment routes or that retain military assets; and

(3) maintain the ability of appropriate entities to respond to emergencies.

(c) The commission shall update the formulas established under this section at least every four years.

(d) In determining the amount of funding in each program funding category, the commission shall consider the input of:

(1) metropolitan planning organizations;

(2) transportation officials;

(3) local government officials; and

(4) other stakeholders.

(e) In selecting projects in a program funding category, the department shall cooperate with metropolitan planning organizations and other stakeholders.

(f) All funds received by the department for highways, including toll roads and toll road systems, that may be allocated in this state's or the department's discretion shall be allocated by a formula to each district and metropolitan planning organization that is based on performance measures and includes at least the following criteria:

(1) centerline miles;

(2) level of congestion;

- (3) percentage of population below federal poverty level;
- (4) population;
- (5) safety; and
- (6) vehicle miles traveled.

Sec. 201.997. WORK PROGRAM. (a) Each department district shall develop a consistently formatted work program based on the developmental program covering a period of four years that contains all projects that the district proposes to implement during that period.

(b) The work program must contain:

(1) information regarding the progress of projects designated as major transportation projects, according to project implementation benchmarks and timelines established under Section 201.994; and

(2) a summary of the progress on other district projects.

(c) The department shall use the work program to:

(1) monitor the performance of the district; and

(2) evaluate the performance of district employees.

(d) The department shall publish the work program in appropriate media and on the department's Internet website.

SECTION 23. Section 202.021, Transportation Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) The commission may waive payment for real property transferred to a governmental entity under this section if:

(1) the estimated cost of future maintenance on the property equals or exceeds the fair value of the property; or

(2) the property is a highway right-of-way and the governmental entity assumes or has assumed jurisdiction, control, and maintenance of the right-of-way for public road purposes.

(e-1) A grant transferring real property under Subsection (e)(2) must contain a reservation providing that if property described by that subsection ceases to be used for public road purposes, that real property shall immediately and automatically revert to this state.

SECTION 24. Section 223.002, Transportation Code, is amended to read as follows:

Sec. 223.002. NOTICE OF BIDS ~~[BY PUBLICATION]~~. ~~[(a)]~~ The department shall give ~~[publish]~~ notice to interested persons regarding ~~[of]~~ the time and place at which bids on a contract will be opened and the contract awarded. The commission by rule shall determine the most effective method for providing the notice required by this section.

~~[(b) The notice must be published in a newspaper published in the county in which the improvement is to be made once a week for at least two weeks before the time set for awarding the contract and in two other newspapers that the department may designate.~~

~~[(e) Instead of the notice required by Subsection (b), if the department estimates that the contract involves an amount less than \$300,000, notice may be published in two successive issues of a newspaper published in the county in which the improvement is to be made.~~

~~[(d) If a newspaper is not published in the county in which the improvement is to be made, notice shall be published in a newspaper published in the county:~~

~~[(1) nearest the county seat of the county in which the improvement is to be made; and~~

~~[(2) in which a newspaper is published.]~~

SECTION 25. Subchapter A, Chapter 223, Transportation Code, is amended by adding Section 223.017 to read as follows:

Sec. 223.017. DESIGN-BUILD CONTRACTS FOR NONTOLLED HIGHWAY PROJECTS. (a) In this section, "design-build contract" means an agreement with a private entity for the design and construction, rehabilitation, expansion, or improvement of a highway project but does not include the financing or operation of the highway.

(b) The department may enter into a design-build contract for a nontolled highway project.

(c) Notwithstanding Section 223.0041, if the department enters into a design-build contract under this section, the department shall use a competitive procurement process that provides the best value for the department.

(d) The commission shall adopt rules specifying the conditions under which a design-build contract may be considered. In developing rules the commission must address:

(1) the size and complexity of an eligible project;

(2) the time constraints for delivery of an eligible project;

(3) the level and training of the staff required to manage an eligible project;

and

(4) other factors the commission considers important.

SECTION 26. Section 223.208(c), Transportation Code, is amended to read as follows:

(c) The department may enter into a comprehensive development agreement under this subchapter or under Section 227.023(c) with a private participant only if the project is identified in the department's developmental ~~[unified transportation]~~ program or is located on a transportation corridor identified in the statewide transportation plan.

SECTION 27. Section 227.034(a), Transportation Code, is amended to read as follows:

(a) A contract for the acquisition, construction, maintenance, or operation of a facility on the Trans-Texas Corridor may not contain a provision that limits or prohibits construction or operation of a highway or other transportation project that is:

(1) included in the developmental ~~[unified transportation]~~ program of the department in effect at the time the contract is executed;

(2) a project of a local government; or

(3) constructed or operated for the safety of pedestrian or vehicular traffic.

SECTION 28. Section 227.062(e), Transportation Code, is amended to read as follows:

(e) The commission may not disburse money from the state highway fund or the Texas mobility fund to construct a portion of the Trans-Texas Corridor unless it would replace or supplement a project identified in the department's developmental [~~unified transportation~~] program or a transportation corridor identified in the statewide transportation plan.

SECTION 29. Section 228.0055(c), Transportation Code, is amended to read as follows:

(c) The commission or the department may not:

(1) revise the formula as provided in the department's developmental [~~unified transportation~~] program, or its successor document, in a manner that results in a decrease of a department district's allocation because of a payment under Subsection (a); or

(2) take any other action that would reduce funding allocated to a department district because of payments received under a comprehensive development agreement.

SECTION 30. Section 228.006(b), Transportation Code, is amended to read as follows:

(b) The commission may not revise the formula as provided in the department's developmental [~~unified transportation~~] program, or its successor document, in a manner that results in a decrease of a district's allocation because of a payment under Subsection (a).

SECTION 31. Section 228.012(e), Transportation Code, is amended to read as follows:

(e) The commission or the department may not:

(1) revise the formula as provided in the department's developmental [~~unified transportation~~] program or a successor document in a manner that results in a decrease of a department district's allocation because of the deposit of a payment into a project subaccount or a commitment to undertake an additional transportation project under Section 228.0111; or

(2) take any other action that would reduce funding allocated to a department district because of the deposit of a payment received from the department or local toll project entity into a project subaccount or a commitment to undertake an additional transportation project under Section 228.0111.

SECTION 32. Section 228.117, Transportation Code, is amended to read as follows:

Sec. 228.117. FUNDING FOR DEPARTMENT DISTRICT. The commission may not revise the formula as provided in the department's developmental [~~unified transportation~~] program, or its successor document, in a manner that results in a decrease of a district's allocation because revenue bonds are issued for a toll project located within the department district.

SECTION 33. Section 362.902, Transportation Code, is amended to read as follows:

Sec. 362.902. INCLUSION OF TOLL PROJECTS IN DEVELOPMENTAL [~~UNIFIED TRANSPORTATION~~] PROGRAM. The department shall adopt and include in the developmental [~~unified transportation~~] program of the department a list

of transportation projects in each department district that the department considers to be eligible and feasible for tolling. A transportation project that is included in the list is not required to be operated as a toll project.

SECTION 34. Section 366.407(c), Transportation Code, is amended to read as follows:

(c) An authority may enter into a comprehensive development agreement under this subchapter with a private participant only if the project is identified in the department's developmental ~~[unified transportation]~~ program or is located on a transportation corridor identified in the statewide transportation plan.

SECTION 35. Section 370.311(c), Transportation Code, is amended to read as follows:

(c) An authority may only enter into a comprehensive development agreement under Section 370.305 with a private equity investor if the project is identified in the department's developmental ~~[unified transportation]~~ program or is located on a transportation corridor identified in the statewide transportation plan.

SECTION 36. Section 391.004, Transportation Code, is amended to read as follows:

Sec. 391.004. ~~DISPOSITION OF FEES [TEXAS HIGHWAY BEAUTIFICATION FUND ACCOUNT]. [The Texas highway beautification fund account is an account in the general revenue fund.]~~ Money the commission receives under this chapter shall be deposited to the credit of the state ~~[Texas]~~ highway ~~[beautification]~~ fund ~~[account]~~. The commission shall use money in the state ~~[Texas]~~ highway ~~[beautification]~~ fund ~~[account]~~ to administer this chapter and Chapter 394.

SECTION 37. (a) Subchapter A, Chapter 391, Transportation Code, is amended by adding Section 391.006 to read as follows:

Sec. 391.006. COMPLAINTS; RECORDS. (a) The commission by rule shall establish procedures for accepting and resolving written complaints related to outdoor advertising under this chapter. The rules must include:

(1) a process to make information available describing the department's procedures for complaint investigation and resolution, including making information about the procedures available on the department's Internet website;

(2) a system to prioritize complaints so that the most serious complaints receive attention before less serious complaints; and

(3) a procedure for compiling and reporting detailed annual statistics about complaints.

(b) The department shall develop and provide a simple form for filing complaints with the department.

(c) The department shall provide to each person who files a written complaint with the department, and to each person who is the subject of a complaint, information about the department's policies and procedures relating to complaint investigation and resolution.

(d) The department shall keep, in accordance with the department's approved records retention schedule, an information file about each written complaint filed with the department that the department has authority to resolve. The department shall keep the following information for each complaint for the purpose of enforcing this chapter:

- (1) the date the complaint is filed;
- (2) the name of the person filing the complaint;
- (3) the subject matter of the complaint;
- (4) each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint;

and

(6) if the department does not take action on the complaint, an explanation of the reasons that action was not taken.

(e) If a written complaint is filed with the department that the department has authority to resolve, the department, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an ongoing department investigation.

(b) The Texas Transportation Commission shall adopt rules under Section 391.006, Transportation Code, as added by this section, not later than September 1, 2012.

SECTION 38. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.0355 to read as follows:

Sec. 391.0355. ADMINISTRATIVE PENALTY. (a) In lieu of a suit to collect a civil penalty, the commission, after notice and an opportunity for a hearing before the commission, may impose an administrative penalty against a person who violates this chapter or a rule adopted by the commission under this chapter. Each day a violation continues is a separate violation.

(b) The amount of the administrative penalty may not exceed the maximum amount of a civil penalty under Section 391.035.

(c) A proceeding under this section is a contested case under Chapter 2001, Government Code.

(d) Judicial review of an appeal of an administrative penalty imposed under this section is under the substantial evidence rule.

(e) An administrative penalty collected under this section shall be deposited to the credit of the state highway fund.

SECTION 39. Section 391.063, Transportation Code, is amended to read as follows:

Sec. 391.063. LICENSE FEE. The commission may set the amount of a license fee according to a scale graduated by the number of units of outdoor advertising and the number of off-premise signs under Chapter 394 owned by a license applicant.

SECTION 40. Section 391.065(b), Transportation Code, is amended to read as follows:

(b) For the efficient management and administration of this chapter and to reduce the number of employees required to enforce this chapter, the commission shall adopt rules for issuing standardized forms that are for submission by license holders and applicants and that provide for an accurate showing of the number, location, or other information required by the commission for each license holder's or applicant's outdoor advertising or off-premise signs under Chapter 394.

SECTION 41. Section 391.066, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The commission may deny the renewal of a license holder's license if the license holder has not complied with the permit requirements of this chapter or Chapter 394.

SECTION 42. Subchapter C, Chapter 391, Transportation Code, is amended by adding Section 391.0661 to read as follows:

Sec. 391.0661. APPLICABILITY OF LICENSE. In addition to authorizing a person to erect or maintain outdoor advertising, a license issued under this chapter authorizes a person to erect or maintain an off-premise sign under Chapter 394.

SECTION 43. Section 394.005, Transportation Code, is amended to read as follows:

Sec. 394.005. DISPOSITION OF FEES. Money the commission receives [~~A registration fee collected~~] under this chapter [~~Section 394.048 by the commission~~] shall be deposited to the credit of the state highway fund.

SECTION 44. (a) Subchapter A, Chapter 394, Transportation Code, is amended by adding Section 394.006 to read as follows:

Sec. 394.006. COMPLAINTS; RECORDS. (a) The commission by rule shall establish procedures for accepting and resolving written complaints related to signs under this chapter. The rules must include:

(1) a process to make information available describing the department's procedures for complaint investigation and resolution, including making information about the procedures available on the department's Internet website;

(2) a system to prioritize complaints so that the most serious complaints receive attention before less serious complaints; and

(3) a procedure for compiling and reporting detailed annual statistics about complaints.

(b) The department shall develop and provide a simple form for filing complaints with the department.

(c) The department shall provide to each person who files a written complaint with the department, and to each person who is the subject of a complaint, information about the department's policies and procedures relating to complaint investigation and resolution.

(d) The department shall keep, in accordance with the department's approved records retention schedule, an information file about each written complaint filed with the department that the department has authority to resolve. The department shall keep the following information for each complaint for the purpose of enforcing this chapter:

(1) the date the complaint is filed;

(2) the name of the person filing the complaint;

(3) the subject matter of the complaint;

(4) each person contacted in relation to the complaint;

(5) a summary of the results of the review or investigation of the complaint;

and

(6) if the department does not take action on the complaint, an explanation of the reasons that action was not taken.

(e) If a written complaint is filed with the department that the department has authority to resolve, the department, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an ongoing department investigation.

(b) The Texas Transportation Commission shall adopt rules under Section 394.006, Transportation Code, as added by this section, not later than September 1, 2012.

SECTION 45. The heading to Subchapter B, Chapter 394, Transportation Code, is amended to read as follows:

SUBCHAPTER B. LICENSE AND PERMIT FOR OFF-PREMISE SIGN

SECTION 46. (a) Subchapter B, Chapter 394, Transportation Code, is amended by adding Sections 394.0201, 394.0202, 394.0203, 394.0204, 394.0205, 394.0206, 394.0207, 394.027, 394.028, and 394.029 to read as follows:

Sec. 394.0201. ERECTING OFF-PREMISE SIGN WITHOUT LICENSE; OFFENSE. (a) A person commits an offense if the person wilfully erects or maintains an off-premise sign on a rural road without a license under this subchapter.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000. Each day of the proscribed conduct is a separate offense.

(c) A person is not required to obtain a license to erect or maintain an on-premise sign.

Sec. 394.0202. ISSUANCE AND PERIOD OF LICENSE. (a) The commission shall issue a license to a person who:

(1) files with the commission a completed application form within the time specified by the commission;

(2) pays the appropriate license fee; and

(3) files with the commission a surety bond.

(b) A license may be issued for one year or longer.

(c) At least 30 days before the date on which a person's license expires, the commission shall notify the person of the impending expiration. The notice must be in writing and sent to the person's last known address according to the records of the commission.

Sec. 394.0203. LICENSE FEE. The commission may set the amount of a license fee according to a scale graduated by the number of off-premise signs and units of outdoor advertising under Chapter 391 owned by a license applicant.

Sec. 394.0204. SURETY BOND. (a) The surety bond required of an applicant for a license under Section 394.0202 must be:

(1) in the amount of \$2,500 for each county in the state in which the person erects or maintains an off-premise sign; and

(2) payable to the commission for reimbursement for removal costs of an off-premise sign that the license holder unlawfully erects or maintains.

(b) A person may not be required to provide more than \$10,000 in surety bonds.

Sec. 394.0205. RULES; FORMS. (a) The commission may adopt rules to implement Sections 394.0201(a), 394.0202, 394.0203, 394.0204, and 394.0206.

(b) For the efficient management and administration of this chapter and to reduce the number of employees required to enforce this chapter, the commission shall adopt rules for issuing standardized forms that are for submission by license holders and applicants and that provide for an accurate showing of the number, location, or other information required by the commission for each license holder's or applicant's off-premise signs or outdoor advertising under Chapter 391.

(c) The commission may not adopt a rule under this chapter that restricts competitive bidding or advertising by the holder of a license issued under this chapter other than a rule to prohibit false, misleading, or deceptive practices. The limitation provided by this section applies only to rules relating to the occupation of outdoor advertiser and does not affect the commission's power to regulate the orderly and effective display of an off-premise sign under this chapter. A rule to prohibit false, misleading, or deceptive practices may not:

(1) restrict the use of:

(A) any legal medium for an advertisement;

(B) the license holder's advertisement under a trade name; or

(C) the license holder's personal appearance or voice in an advertisement, if the license holder is an individual; or

(2) relate to the size or duration of an advertisement by the license holder.

Sec. 394.0206. REVOCATION OR SUSPENSION OF LICENSE; APPEAL.

(a) The commission may revoke or suspend a license issued under this subchapter or place on probation a license holder whose license is suspended if the license holder violates this chapter or a rule adopted under this chapter. If the suspension of the license is probated, the department may require the license holder to report regularly to the commission on any matter that is the basis of the probation.

(b) The judicial appeal of the revocation or suspension of a license must be initiated not later than the 15th day after the date of the commission's action.

(c) The commission may adopt rules for the reissuance of a revoked or suspended license and may set fees for the reissuance.

(d) The commission may deny the renewal of a license holder's existing license if the license holder has not complied with the permit requirements of this chapter or Chapter 391.

Sec. 394.0207. APPLICABILITY OF LICENSE. In addition to authorizing a person to erect or maintain an off-premise sign, a license issued under this chapter authorizes a person to erect or maintain outdoor advertising under Chapter 391.

Sec. 394.027. DENIAL OF PERMIT; APPEAL. The commission may create a process by which an applicant may appeal a denial of a permit under this subchapter.

Sec. 394.028. FEE AMOUNTS. The license and permit fees required by this subchapter may not exceed an amount reasonably necessary to cover the administrative costs incurred to enforce this chapter.

Sec. 394.029. EXCEPTIONS FOR CERTAIN NONPROFIT ORGANIZATIONS. (a) The combined license and permit fees under this subchapter may not exceed \$10 for an off-premise sign erected and maintained by a nonprofit organization in a municipality or a municipality's extraterritorial jurisdiction if the sign relates to or promotes only the municipality or a political subdivision whose jurisdiction is wholly or partly concurrent with the municipality.

(b) The nonprofit organization is not required to file a bond as provided by Section 394.0202(a)(3).

(b) The change in law made by Section 394.0201, Transportation Code, as added by this section, applies only to an off-premise sign erected or for which the permit expires on or after the effective date of this Act. An off-premise sign for which a permit is issued before the effective date of this Act is covered by the law in effect when the permit was issued, and the former law is continued in effect for that purpose.

SECTION 47. Section 394.050, Transportation Code, is amended to read as follows:

Sec. 394.050. ~~[BOARD OF]~~ VARIANCE. The commission or a person designated by the commission [commission shall provide for a board of variance that], in an appropriate case and subject to an appropriate condition or safeguard, may make a special exception to this chapter regarding a permit for an off-premise outdoor sign on a rural road.

SECTION 48. Sections 394.082(a) and (d), Transportation Code, are amended to read as follows:

(a) In lieu of a suit to collect a civil penalty, the commission, after notice and an opportunity for a hearing before the commission, may impose an administrative penalty against a person who ~~[intentionally]~~ violates this chapter or a rule adopted by the commission under this chapter. Each day a violation continues is a separate violation.

(d) Judicial review of an appeal of an administrative penalty imposed under this section is under the substantial evidence rule [by trial de novo].

SECTION 49. Subchapter D, Chapter 472, Transportation Code, is amended by adding Section 472.035 to read as follows:

Sec. 472.035. COORDINATION WITH DEPARTMENT TO DEVELOP LONG-TERM PLANNING ASSUMPTIONS. Each metropolitan planning organization shall work with the department to develop mutually acceptable assumptions for the purposes of long-range federal and state funding forecasts and use those assumptions to guide long-term planning in the organization's long-range transportation plan.

SECTION 50. Chapter 544, Transportation Code, is amended by adding Section 544.013 to read as follows:

Sec. 544.013. CHANGEABLE MESSAGE SIGN SYSTEM. (a) In this section, "changeable message sign" means a sign that conforms to the manual and specifications adopted under Section 544.001. The term includes a dynamic message sign.

(b) The Texas Department of Transportation in cooperation with local governments shall actively manage a system of changeable message signs located on highways under the jurisdiction of the department to mitigate traffic congestion by providing current information to the traveling public, including information about traffic incidents, weather conditions, road construction, and alternative routes when applicable.

SECTION 51. Section 621.001, Transportation Code, is amended by amending Subdivisions (3) and (4) and adding Subdivision (13) to read as follows:

(3) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

(4) "Director" means the executive director of the Texas Department of Motor Vehicles [~~Transportation~~].

(13) "Board" means the board of the Texas Department of Motor Vehicles.

SECTION 52. Section 621.003(a), Transportation Code, is amended to read as follows:

(a) The board [~~commission~~] by rule may authorize the director to enter into with the proper authority of another state an agreement that authorizes:

(1) the authority of the other state to issue on behalf of the department to the owner or operator of a vehicle, or combination of vehicles, that exceeds the weight or size limits allowed by this state a permit that authorizes the operation or transportation on a highway in this state of the vehicle or combination of vehicles; and

(2) the department to issue on behalf of the authority of the other state to the owner or operator of a vehicle, or combination of vehicles, that exceeds the weight or size limits allowed by that state a permit that authorizes the operation or transportation on a highway of that state of the vehicle or combination of vehicles.

SECTION 53. Section 621.004, Transportation Code, is amended to read as follows:

Sec. 621.004. ADMISSIBILITY OF CERTIFICATE OF VERTICAL CLEARANCE. In each civil or criminal proceeding in which a violation of this chapter may be an issue, a certificate of the vertical clearance of a structure, including a bridge or underpass, signed by the executive director of the Texas Department of Transportation is admissible in evidence for all purposes.

SECTION 54. Section 621.006, Transportation Code, is amended to read as follows:

Sec. 621.006. RESTRICTED OPERATION ON CERTAIN HOLIDAYS. The commission [~~department~~] by rule may impose restrictions on the weight and size of vehicles to be operated on state highways on the following holidays only:

- (1) New Year's Day;
- (2) Memorial Day;
- (3) Independence Day;
- (4) Labor Day;
- (5) Thanksgiving Day; and
- (6) Christmas Day.

SECTION 55. Subchapter A, Chapter 621, Transportation Code, is amended by adding Section 621.008 to read as follows:

Sec. 621.008. RULEMAKING AUTHORITY. The board may adopt rules necessary to implement and enforce this chapter.

SECTION 56. Section 621.102(d), Transportation Code, is amended to read as follows:

(d) A maximum weight or load set under this section becomes effective on a highway or road when appropriate signs giving notice of the maximum weight or load are erected on the highway or road by the Texas Department of Transportation under order of the commission.

SECTION 57. Sections 621.202(a) and (b), Transportation Code, are amended to read as follows:

(a) To comply with safety and operational requirements of federal law, the commission by order may set the maximum width of a vehicle, including the load on the vehicle, at eight feet for a designated highway or segment of a highway if the results of an engineering and traffic study, conducted by the Texas Department of Transportation, that includes an analysis of structural capacity of bridges and pavements, traffic volume, unique climatic conditions, and width of traffic lanes support the change.

(b) An order under this section becomes effective on the designated highway or segment when appropriate signs giving notice of the limitations are erected by the Texas Department of Transportation.

SECTION 58. Sections 621.301(a) and (d), Transportation Code, are amended to read as follows:

(a) The commissioners court of a county may establish load limits for any county road or bridge only with the concurrence of the Texas Department of Transportation [~~department~~]. A load limit shall be deemed concurred with by the Texas Department of Transportation [~~department~~] 30 days after the county submits to the Texas Department of Transportation [~~department~~] the load limit accompanied by supporting documentation and calculations reviewed and sealed by an engineer licensed in this state, though the Texas Department of Transportation [~~department~~] may review the load limit and withdraw concurrence at any time after the 30-day period.

(d) A maximum weight set under this section becomes effective on a road when appropriate signs giving notice of the maximum weight are erected by the Texas Department of Transportation on the road under order of the commissioners court.

SECTION 59. Section 621.352(a), Transportation Code, is amended to read as follows:

(a) The board [~~commission~~] by rule may establish fees for the administration of Section 621.003 in an amount that, when added to the other fees collected by the department, does not exceed the amount sufficient to recover the actual cost to the department of administering that section. An administrative fee collected under this section shall be sent to the comptroller for deposit to the credit of the state highway fund and may be appropriated only to the department for the administration of Section 621.003.

SECTION 60. Section 621.356, Transportation Code, is amended to read as follows:

Sec. 621.356. FORM OF PAYMENT. The board [~~commission~~] may adopt rules prescribing the method for payment of a fee for a permit issued by the department that authorizes the operation of a vehicle and its load or a combination of vehicles and load exceeding size or weight limitations. The rules may:

(1) authorize the use of electronic funds transfer or a credit card issued by:

(A) a financial institution chartered by a state or the federal government; or

(B) a nationally recognized credit organization approved by the board [~~commission~~]; and

(2) require the payment of a discount or service charge for a credit card payment in addition to the fee.

SECTION 61. Section 621.504, Transportation Code, is amended to read as follows:

Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE. A person may not operate or attempt to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of the Texas Department of Transportation [~~department~~].

SECTION 62. Section 622.001, Transportation Code, is amended to read as follows:

Sec. 622.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Commission" means the Texas Transportation Commission.

(2) "Department" [~~"department"~~] means the Texas Department of Motor Vehicles [~~Transportation~~].

SECTION 63. Subchapter A, Chapter 622, Transportation Code, is amended by adding Section 622.002 to read as follows:

Sec. 622.002. RULEMAKING AUTHORITY. The board of the department may adopt rules necessary to implement and enforce this chapter.

SECTION 64. Sections 622.013(a) and (b), Transportation Code, are amended to read as follows:

(a) The owner of a ready-mixed concrete truck with a tandem axle weight heavier than 34,000 pounds shall before operating the vehicle on a public highway of this state file with the department a surety bond subject to the approval of the Texas Department of Transportation [~~department~~] in the principal amount set by the Texas Department of Transportation [~~department~~] not to exceed \$15,000 for each truck.

(b) The bond must be conditioned that the owner of the truck will pay to the Texas Department of Transportation [~~state~~], within the limit of the bond, any damage to a highway caused by the operation of the truck.

SECTION 65. Sections 622.134(a) and (b), Transportation Code, are amended to read as follows:

(a) Except as provided by Subsection (c), the owner of a vehicle covered by this subchapter with a tandem axle weight heavier than 34,000 pounds shall before operating the vehicle on a public highway of this state file with the department a surety bond subject to the approval of the Texas Department of Transportation [~~department~~] in the principal amount set by the Texas Department of Transportation [~~department~~] not to exceed \$15,000 for each vehicle.

(b) The bond must be conditioned that the owner of the vehicle will pay, within the limits of the bond, to the Texas Department of Transportation [~~state~~] any damage to a highway, to a county any damage to a county road, and to a municipality any damage to a municipal street caused by the operation of the vehicle.

SECTION 66. Section 623.001, Transportation Code, is amended by amending Subdivision (1) and adding Subdivisions (4) and (5) to read as follows:

(1) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

(4) "Board" means the board of the Texas Department of Motor Vehicles.

(5) "Commission" means the Texas Transportation Commission.

SECTION 67. Subchapter A, Chapter 623, Transportation Code, is amended by adding Sections 623.002 and 623.003 to read as follows:

Sec. 623.002. RULEMAKING AUTHORITY. The board may adopt rules necessary to implement and enforce this chapter.

Sec. 623.003. ROUTE DETERMINATION. (a) To the extent the department is required to determine a route under this chapter, the department shall base the department's routing decision on information provided by the Texas Department of Transportation.

(b) The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section 623.071, 623.121, 623.142, or 623.192.

SECTION 68. Section 623.0112, Transportation Code, is amended to read as follows:

Sec. 623.0112. ADDITIONAL ADMINISTRATIVE FEE. When a person applies for a permit under Section 623.011, the person must pay in addition to other fees an administrative fee adopted by board [~~department~~] rule in an amount not to exceed the direct and indirect cost to the department of:

- (1) issuing a sticker under Section 623.011(d);
- (2) distributing fees under Section 621.353; and
- (3) notifying counties under Section 623.013.

SECTION 69. Section 623.012(b), Transportation Code, is amended to read as follows:

(b) The bond or letter of credit must:

(1) be in the amount of \$15,000 payable to the Texas Department of Transportation [~~department~~] and the counties of this state;

(2) be conditioned that the applicant will pay the Texas Department of Transportation [~~department~~] for any damage to a state highway, and a county for any damage to a road or bridge of the county, caused by the operation of the vehicle for which the permit is issued at a heavier weight than the maximum weights authorized by Subchapter B of Chapter 621 or Section 621.301; and

(3) provide that the issuer is to notify the Texas Department of Transportation [~~department~~] and the applicant in writing promptly after a payment is made by the issuer on the bond or letter of credit.

SECTION 70. Sections 623.016(a) and (b), Transportation Code, are amended to read as follows:

(a) The Texas Department of Transportation [~~department~~] or a county may recover on the bond or letter of credit required for a permit issued under Section 623.011 only by a suit against the permit holder and the issuer of the bond or letter of credit.

(b) Venue for a suit by the Texas Department of Transportation [~~department~~] is in a district court in:

- (1) the county in which the defendant resides;
- (2) the county in which the defendant has its principal place of business in this state if the defendant is a corporation or partnership; or

(3) Travis County if the defendant is a corporation or partnership that does not have a principal place of business in this state.

SECTION 71. Section 623.051(a), Transportation Code, is amended to read as follows:

(a) A person may operate a vehicle that cannot comply with one or more of the restrictions of Subchapter C of Chapter 621 or Section 621.101 to cross the width of any road or highway under the jurisdiction of the Texas Department of Transportation [~~department~~], other than a controlled access highway as defined by Section 203.001, from private property to other private property if the person contracts with the commission to indemnify the Texas Department of Transportation [~~department~~] for the cost of maintenance and repair of the part of the highway crossed by the vehicle.

SECTION 72. Section 623.052(b), Transportation Code, is amended to read as follows:

(b) Before a person may operate a vehicle under this section, the person must:

(1) contract with the Texas Department of Transportation [~~department~~] to indemnify the Texas Department of Transportation [~~department~~] for the cost of the maintenance and repair for damage caused by a vehicle crossing that part of the highway; and

(2) execute an adequate surety bond to compensate for the cost of maintenance and repair, approved by the comptroller and the attorney general, with a corporate surety authorized to do business in this state, conditioned on the person fulfilling each obligation of the agreement.

SECTION 73. Section 623.075(a), Transportation Code, is amended to read as follows:

(a) Before the department may issue a permit under this subchapter, the applicant shall file with the department a bond in an amount set by the Texas Department of Transportation [~~department~~], payable to the Texas Department of Transportation [~~department~~], and conditioned that the applicant will pay to the Texas Department of Transportation [~~department~~] any damage that might be sustained to the highway because of the operation of the equipment for which a permit is issued.

SECTION 74. Sections 623.076(b) and (c), Transportation Code, are amended to read as follows:

(b) The board [~~Texas Transportation Commission~~] may adopt rules for the payment of a fee under Subsection (a). The rules may:

(1) authorize the use of electronic funds transfer;

(2) authorize the use of a credit card issued by:

(A) a financial institution chartered by a state or the United States; or

(B) a nationally recognized credit organization approved by the board [~~Texas Transportation Commission~~]; and

(3) require the payment of a discount or service charge for a credit card payment in addition to the fee prescribed by Subsection (a).

(c) An application for a permit under Section 623.071(c)(3) or (d) must be accompanied by the permit fee established by the board, in consultation with the commission, for the permit, not to exceed \$7,000. Of each fee collected under this subsection, the department shall send:

(1) the first \$1,000 to the comptroller for deposit to the credit of the general revenue fund; and

(2) any amount in excess of \$1,000 to the comptroller for deposit to the credit of the state highway fund.

SECTION 75. Section 623.078, Transportation Code, is amended to read as follows:

Sec. 623.078. VEHICLE SUPERVISION FEE. (a) Each applicant for a permit under this subchapter for a vehicle that is heavier than 200,000 pounds must also pay a vehicle supervision fee in an amount determined by the Texas Department of Transportation [~~department~~] and designed to recover the direct cost of providing safe transportation of the vehicle over the state highway system, including the cost of:

- (1) bridge structural analysis;
- (2) the monitoring of the trip process; and
- (3) moving traffic control devices.

(b) The board [~~department~~] shall send each fee collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund.

SECTION 76. Section 623.080(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a permit under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the director of the department [~~or of a division engineer~~];

(4) a statement of the kind of equipment to be transported over the highway, the weight and dimensions of the equipment, and the kind and weight of each commodity to be transported; and

(5) a statement of any condition on which the permit is issued.

SECTION 77. Section 623.093(f), Transportation Code, is amended to read as follows:

(f) If an application for a permit to move a manufactured house is accompanied by a copy of a writ of possession issued by a court of competent jurisdiction, the applicant is not required to submit the written statement from the chief appraiser [~~set forth in Subsection (d)~~].

SECTION 78. Section 623.096(b), Transportation Code, is amended to read as follows:

(b) The board, in consultation with the Texas Department of Transportation, [~~department~~] shall adopt rules concerning fees for each annual permit issued under Section 623.095(c) at a cost not to exceed \$3,000.

SECTION 79. Section 623.099(e), Transportation Code, is amended to read as follows:

(e) The Texas Department of Transportation [~~department~~] shall publish and annually revise a map or list of the bridges or overpasses that because of height or width require an escort flag vehicle to stop oncoming traffic while a manufactured house crosses the bridge or overpass.

SECTION 80. Sections 623.100(b) and (c), Transportation Code, are amended to read as follows:

(b) The Texas Department of Transportation [~~department~~] may limit the hours for travel on certain routes because of heavy traffic conditions.

(c) The Texas Department of Transportation [~~department~~] shall publish the limitation on movements prescribed by this section and the limitations adopted under Subsection (b) and shall make the publications available to the public. Each limitation adopted by the Texas Department of Transportation [~~department~~] must be made available to the public before it takes effect.

SECTION 81. Section 623.126(a), Transportation Code, is amended to read as follows:

(a) A permit issued under this subchapter must:

- (1) contain the name of the applicant;
- (2) be dated and signed by the director of the department[~~—a division engineer,~~] or a designated agent;
- (3) state the make and model of the portable building unit or units to be transported over the highways;
- (4) state the make and model of the towing vehicle;
- (5) state the combined length and width of the portable building unit or units and towing vehicle; and
- (6) state each highway over which the portable building unit or units are to be moved.

SECTION 82. Section 623.142(a), Transportation Code, is amended to read as follows:

(a) The department may, on application, issue a permit for the movement over a road or highway under the jurisdiction of the Texas Department of Transportation [~~department~~] of a vehicle that:

- (1) is a piece of fixed-load mobile machinery or equipment used to service, clean out, or drill an oil well; and
- (2) cannot comply with the restrictions set out in Subchapter C of Chapter 621 and Section 621.101.

SECTION 83. Sections 623.145 and 623.146, Transportation Code, are amended to read as follows:

Sec. 623.145. RULES; FORMS AND PROCEDURES; FEES. (a) The board, in consultation with the commission, [~~Texas Transportation Commission~~] by rule shall provide for the issuance of permits under this subchapter. The rules must include each matter the board and commission determine [~~determines~~] necessary to implement this subchapter and:

- (1) requirements for forms and procedures used in applying for a permit;
- (2) conditions with regard to route and time of movement;
- (3) requirements for flags, flaggers, and warning devices;
- (4) the fee for a permit; and
- (5) standards to determine whether a permit is to be issued for one trip only or for a period established by the commission.

(b) In adopting a rule or establishing a fee, the board and commission shall consider and be guided by:

- (1) the state's investment in its highway system;
- (2) the safety and convenience of the general traveling public;
- (3) the registration or license fee paid on the vehicle for which the permit is requested;
- (4) the fees paid by vehicles operating within legal limits;
- (5) the suitability of roadways and subgrades on the various classes of highways of the system;
- (6) the variation in soil grade prevalent in the different regions of the state;
- (7) the seasonal effects on highway load capacity;
- (8) the highway shoulder design and other highway geometrics;
- (9) the load capacity of the highway bridges;
- (10) administrative costs;
- (11) added wear on highways; and
- (12) compensation for inconvenience and necessary delays to highway users.

Sec. 623.146. VIOLATION OF RULE. A permit under this subchapter is void on the failure of an owner or the owner's representative to comply with a rule of the board [~~commission~~] or with a condition placed on the permit, and immediately on the violation, further movement over the highway of an oversize or overweight vehicle violates the law regulating the size or weight of a vehicle on a public highway.

SECTION 84. Sections 623.163(a) and (b), Transportation Code, are amended to read as follows:

(a) The owner of a vehicle used exclusively to transport solid waste with a tandem axle load heavier than 34,000 pounds shall before operating the vehicle on a public highway of this state file with the department a surety bond subject to the approval of the Texas Department of Transportation [~~department~~] in the principal amount set by the Texas Department of Transportation [~~department~~] not to exceed \$15,000 for each vehicle.

(b) The bond must be conditioned that the owner of the vehicle will pay to the Texas Department of Transportation [~~state~~] and to any municipality in which the vehicle is operated on a municipal street, within the limit of the bond, any damages to a highway or municipal street caused by the operation of the vehicle.

SECTION 85. Section 623.192(a), Transportation Code, is amended to read as follows:

(a) The department may, on application, issue a permit to a person to move over a road or highway under the jurisdiction of the Texas Department of Transportation [~~department~~] an unladen lift equipment motor vehicle that cannot comply with the restrictions set out in Subchapter C of Chapter 621 and Section 621.101.

SECTION 86. Sections 623.195 and 623.196, Transportation Code, are amended to read as follows:

Sec. 623.195. RULES; FORMS AND PROCEDURES; FEES. (a) The board, in consultation with the commission, [~~Texas Transportation Commission~~] by rule shall provide for the issuance of a permit under this subchapter. The rules must include each matter the board and the commission determine [~~determines~~] necessary to implement this subchapter and:

- (1) requirements for forms and procedures used in applying for a permit;

- (2) conditions with regard to route and time of movement;
- (3) requirements for flags, flaggers, and warning devices;
- (4) the fee for a permit; and
- (5) standards to determine whether a permit is to be issued for one trip only or for a period established by the commission.

(b) In adopting a rule or establishing a fee, the board and the commission shall consider and be guided by:

- (1) the state's investment in its highway system;
- (2) the safety and convenience of the general traveling public;
- (3) the registration or license fee paid on the vehicle for which the permit is requested;
- (4) the fees paid by vehicles operating within legal limits;
- (5) the suitability of roadways and subgrades on the various classes of highways of the system;
- (6) the variation in soil grade prevalent in the different regions of the state;
- (7) the seasonal effects on highway load capacity;
- (8) the highway shoulder design and other highway geometrics;
- (9) the load capacity of highway bridges;
- (10) administrative costs;
- (11) added wear on highways; and
- (12) compensation for inconvenience and necessary delays to highway users.

Sec. 623.196. VIOLATION OF RULE. A permit under this subchapter is void on the failure of an owner or the owner's representative to comply with a rule of the board [~~commission~~] or with a condition placed on the permit, and immediately on the violation, further movement over a highway of an oversize or overweight vehicle violates the law regulating the size or weight of a vehicle on a public highway.

SECTION 87. Section 623.212, Transportation Code, is amended to read as follows:

Sec. 623.212. PERMITS BY PORT AUTHORITY. The commission [~~department~~] may authorize a port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and bordering the United Mexican States.

SECTION 88. Section 623.215(b), Transportation Code, is amended to read as follows:

(b) A port authority shall report to the Texas Department of Transportation [~~department~~] all permits issued under this subchapter.

SECTION 89. Section 623.233, Transportation Code, is amended to read as follows:

Sec. 623.233. MAINTENANCE CONTRACTS. The district shall make payments to the Texas Department of Transportation [~~department~~] to provide funds for the maintenance of state highways subject to this subchapter.

SECTION 90. Section 623.235(b), Transportation Code, is amended to read as follows:

(b) The district shall report to the Texas Department of Transportation [~~department~~] all permits issued under this subchapter.

SECTION 91. Section 623.253, Transportation Code, is amended to read as follows:

Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make payments to the Texas Department of Transportation [~~department~~] to provide funds for the maintenance of state highways subject to this subchapter.

SECTION 92. Section 623.304, Transportation Code, is amended to read as follows:

Sec. 623.304. MAINTENANCE CONTRACTS. The port authority shall make payments to the Texas Department of Transportation [~~department~~] to provide funds for the maintenance of state highways subject to this subchapter.

SECTION 93. Section 547.304(c), Transportation Code, is amended to read as follows:

(c) Except for Sections 547.323 and 547.324, a provision of this chapter that requires a vehicle to be equipped with lamps, reflectors, and lighting equipment does not apply to a mobile home if the mobile home:

(1) is moved under a permit issued by the Texas Department of Motor Vehicles [~~Transportation~~] under Subchapter D, Chapter 623; and

(2) is not moved at a time or under a condition specified by Section 547.302(a).

SECTION 94. Section 1001.002(b), Transportation Code, is amended to read as follows:

(b) In addition to the other duties required of the Texas Department of Motor Vehicles, the department shall administer and enforce:

(1) Subtitle A;

(2) Chapters 621, 622, 623, 642, 643, 645, 646, and 648; and

(3) Chapters 2301 and 2302, Occupations Code.

SECTION 95. Sections 1201.161(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) Notwithstanding any other statute or rule or ordinance, a licensed retailer or licensed installer is not required to obtain a permit, certificate, or license or pay a fee to transport manufactured housing to the place of installation except as required by the Texas Department of Motor Vehicles [~~Transportation~~] under Subchapter E, Chapter 623, Transportation Code.

(b) The department shall cooperate with the Texas Department of Motor Vehicles [~~Transportation~~] by providing current lists of licensed manufacturers, retailers, and installers.

(c) The Texas Department of Motor Vehicles [~~Transportation~~] shall send the department monthly:

(1) a copy of each permit issued in the preceding month for the movement of manufactured housing on the highways; or

(2) a list of the permits issued in the preceding month and the information on the permits.

SECTION 96. (a) Except as otherwise provided by this Act, not later than January 1, 2012, the following are transferred from the Texas Department of Transportation to the Texas Department of Motor Vehicles:

(1) the powers, duties, functions, programs, activities, and rights of action of the Texas Department of Transportation relating to oversized and overweight vehicles under Chapters 621, 622, and 623, Transportation Code;

(2) any obligations, funds, negotiations, grants, memoranda of understanding, leases, rights, and contracts of the Texas Department of Transportation that are directly related to implementing a power, duty, function, program, activity, or right of action transferred under this subsection; and

(3) all personnel, furniture, computers, equipment, other property, records, and related materials in the custody of the Texas Department of Transportation that are related to a power, duty, function, program, activity, or right of action transferred under this subsection and all funds appropriated by the legislature for that power, duty, function, program, activity, or right of action.

(b) The Texas Department of Motor Vehicles shall continue any case or proceeding relating to oversized and overweight vehicles under Chapters 621, 622, and 623, Transportation Code, that was brought before the effective date of this Act in accordance with the law in effect on the date the case or proceeding was brought, and the former law is continued in effect for that purpose.

(c) A certificate, license, document, permit, registration, or other authorization issued by the Texas Department of Transportation relating to oversized and overweight vehicles under Chapters 621, 622, and 623, Transportation Code, that is in effect on the effective date of this Act remains valid for the period for which it was issued unless suspended or revoked by the Texas Department of Motor Vehicles.

(d) The unobligated and unexpended balance of any appropriations made to the Texas Department of Transportation in connection with or relating to oversized and overweight vehicles under Chapter 621, 622, or 623, Transportation Code, for the state fiscal biennium ending August 31, 2011, is transferred and reappropriated to the Texas Department of Motor Vehicles for the purpose of implementing the powers, duties, obligations, and rights of action transferred to that department.

(e) The Texas Department of Transportation shall continue, as necessary, to perform the duties and functions that are being transferred to the Texas Department of Motor Vehicles under this Act until the transfer of agency duties and functions is complete.

(f) A rule or form adopted by the Texas Department of Transportation that relates to a power, duty, function, program, activity, or right of action transferred under Subsection (a) of this section is a rule or form of the Texas Department of Motor Vehicles and remains in effect until altered by the Texas Department of Motor Vehicles.

(g) A reference in law to the Texas Department of Transportation that relates to a power, duty, function, program, activity, or right of action transferred under Subsection (a) of this section means the Texas Department of Motor Vehicles.

SECTION 97. (a) The Texas Department of Motor Vehicles may enter into a memorandum of understanding with a state agency, including the Texas Department of Transportation, if the board of the Texas Department of Motor Vehicles determines the memorandum is necessary or appropriate to implement the changes made by this Act to Chapters 621, 622, and 623, Transportation Code.

(b) The memorandum of understanding described by Subsection (a) of this section may:

(1) coordinate the Texas Department of Motor Vehicles' and the Texas Department of Transportation's information systems to allow for the sharing of information so each department may effectively and efficiently perform the functions and duties assigned to the department;

(2) provide for implementing the memorandum using existing personnel and resources from the Texas Department of Motor Vehicles and the Texas Department of Transportation;

(3) allow for the sharing of otherwise confidential information subject to the same confidentiality requirements and legal restrictions on access to the information that are imposed by law on the agency that originally obtained or collected the information;

(4) allow for the sharing of information without the consent of the person who is the subject of the information; and

(5) include an agreement for:

(A) the provision of office space, utilities, and other facility services;

(B) the need for full-time equivalent positions of the Texas Department of Transportation to provide support services in addition to the positions transferred to the Texas Department of Motor Vehicles under Section 96(a)(3) of this Act;

(C) support services; and

(D) the transfer of information technology as necessary or appropriate to effectuate the transfer of the powers and duties of the Texas Department of Transportation to the Texas Department of Motor Vehicles.

(c) The Texas Department of Motor Vehicles and the Texas Department of Transportation may not impose, collect, or charge a fee in connection with the sharing of information under a memorandum of understanding entered into or revised under this section.

SECTION 98. Section 201.0545, Transportation Code, is repealed.

SECTION 99. This Act takes effect September 1, 2011.

Floor Amendment No. 1

Amend **CSSB 1420** (house committee report) by striking page 4, lines 14-17, and substituting the following:

Sec. 201.1075. CHIEF FINANCIAL OFFICER. (a) The department shall employ a chief financial officer. The chief financial officer must:

(1) be a certified public accountant who is licensed and in good standing in this state;

(2) have earned at least a master's degree from an accredited public or private institution of higher education; or

(3) have at least 10 years of professional experience in fiscal management practices and procedures, with at least seven years of managerial experience.

Floor Amendment No. 2

Amend Floor Amendment No. 1, by Harper-Brown to **CSSB 1420** (page 1, prefiled amendment packet) on page 1, by striking lines 11-13, and substituting the following:

(3) have at least 10 years of professional experience in fiscal management practices and procedures, including fund accounting for government agencies, with at least seven years of managerial experience.

Floor Amendment No. 4

Amend **CSSB 1420** (house committee printing) as follows:

(1) Strike page 4, lines 18-24 and substitute:

(b) The chief financial officer shall oversee the department's financial activities, including:

(1) financial forecasting of the department's revenues and expenditures;

(2) establishing and monitoring of the department's budget;

(3) financial reporting on federal and state programs; and

(4) managing the department's debt and loan portfolio.

(2) On page 4, line 25 strike "chief financial officer" and substitute "department".

(3) On page 5, between lines 9 and 10, insert:

(f) Each month, the chief financial officer shall certify that the highway construction and maintenance contracts to be awarded by the department during that month will not create a liability to the state in excess of the most recent cash flow forecast issued by the chief financial officer.

Floor Amendment No. 5

Amend **CSSB 1420** (house committee report) as follows:

(1) On page 12, line 16, strike "improvement program" and substitute "plan".

(2) On page 12, line 17, strike "specific, long-term".

(3) On page 14, line 12, after "necessary.", add "An update or revision of the statewide transportation improvement program or the 10-year developmental program is an amendment or administrative modification and does not require an update to the statewide transportation plan."

(4) On page 14, line 15, strike "PLANS AND POLICY EFFORTS" and substitute "PLANS, PROGRAMS, AND POLICY EFFORTS".

(5) On page 14, line 16, strike "plans and policy efforts." and substitute "plans, programs, and policy efforts.".

(6) On page 14, line 18, strike "plan or policy effort" and substitute "plan, program, or policy effort".

Floor Amendment No. 6

Amend **CSSB 1420** (house committee report) on page 9, line 19, by inserting "or division or office director" between "engineer" and the comma.

Floor Amendment No. 10

Amend **CSSB 1420** (house committee printing) as follows:

(1) On page 36, line 3, strike "Section 228.012(e), Transportation Code, is" and substitute "Sections 228.012(b) and (e), Transportation Code, are".

(2) On page 36, between lines 4 and 5, insert:

(b) The department shall hold money in a subaccount in trust for the benefit of the region in which a project or system is located and may assign the responsibility for allocating money in a subaccount to a metropolitan planning organization in which the region is located for projects approved by the department. Except as provided by Subsection (c), at the time the project is approved by the department money shall be allocated and distributed to projects authorized by Section 228.0055 or Section 228.006, as applicable.

Floor Amendment No. 11

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 201.607, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Not later than January 1, 1997, and every fifth year after that date, the department and each state agency that is responsible for the protection of the natural environment or for the preservation of historical or archeological resources shall examine and revise their memorandum of understanding that:

(1) describes the responsibilities of each agency entering into the memorandum relating to the review of the potential environmental, historical, or archeological effect of a highway project;

(2) specifies the responsibilities of each agency entering into the memorandum relating to the review of a highway project;

(3) specifies the types of information the department must provide to the reviewing agency and the period during which the department must provide the information;

(4) specifies the period during which the reviewing agency must review the highway project and provide comments to the department, as negotiated by the department and the agency but which may not exceed 45 days after the date the agency receives a request for comments from the department; [and]

(5) specifies that comments submitted to the department later than the period specified under Subdivision (4) will be considered by the department to the extent possible; and

(6) includes any other agreement necessary for the effective coordination of the review of the environmental, historical, or archeological effect of a highway project.

(c) The department by rule shall establish procedures concerning coordination with agencies in carrying out responsibilities under agreements under this section.

(b) Section 201.607(a), Transportation Code, as amended by this section, applies only to a request for comments from the Texas Department of Transportation received by a state agency on or after the effective date of this Act. As necessary, the Texas

Department of Transportation and each affected state agency shall promptly revise the memorandum of understanding required by Section 201.607, Transportation Code, to implement the change made by this section to Section 201.607(a), Transportation Code.

SECTION _____. (a) Chapter 201, Transportation Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. ENVIRONMENTAL REVIEW PROCESS

Sec. 201.751. DEFINITIONS. In this subchapter:

(1) "Day" means a calendar day.
(2) "Federal Highway Administration" means the United States Department of Transportation Federal Highway Administration.

(3) "Highway project" means a highway or related improvement that is:
(A) part of the state highway system; or
(B) not part of the state highway system but funded wholly or partly by federal money.

(4) "Local government sponsor" means a political subdivision of the state that:

(A) elects to participate in the planning, development, design, funding, or financing of a highway project; and

(B) is a municipality or a county, a group of adjoining counties, a county acting under Chapter 284, a regional tollway authority operating under Chapter 366, a regional mobility authority operating under Chapter 370, a local government corporation, or a transportation corporation created under Chapter 431.

Sec. 201.752. STANDARDS. (a) The commission by rule shall establish standards for processing an environmental review document for a highway project. The standards must increase efficiency, minimize delays, and encourage collaboration and cooperation by the department with a local government sponsor, with a goal of prompt approval of legally sufficient documents.

(b) The standards apply regardless of whether the environmental review document is prepared by the department or a local government sponsor. The standards apply to work performed by the sponsor and to the department's review process and environmental decision.

(c) The standards must address, for each type of environmental review document:

(1) the issues and subject matter to be included in the project scope prepared under Section 201.754;

(2) the required content of a draft environmental review document;

(3) the process to be followed in considering each type of environmental review document; and

(4) review deadlines, including the deadlines in Section 201.759.

(d) The standards must include a process for resolving disputes arising under this subchapter, provided that the dispute resolution process must be concluded not later than the 60th day after the date either party requests dispute resolution.

(e) The standards may include a process and criteria for the prioritization of environmental review documents if the department makes a finding that it lacks adequate resources to timely process all documents it receives for projects described

in Section 201.753(a). The process established under this subsection must provide for notification to the local government sponsor if an environmental review document is to be delayed due to prioritization, and must provide that the delayed review will be completed not later than one year before the date that the local government sponsor plans to publish notice to let the construction contract for the project, as indicated in a document identifying the project under Section 201.753(a)(1) or a commission order under Section 201.753(a)(2).

Sec. 201.753. ENVIRONMENTAL REVIEW LIMITED TO CERTAIN PROJECTS. (a) A local government sponsor or the department may prepare an environmental review document for a highway project only if the highway project is:

(1) identified in the financially constrained portion of the approved state transportation improvement program or the financially constrained portion of the approved unified transportation program; or

(2) identified by the commission as being eligible for participation under this subchapter.

(b) Notwithstanding Subsection (a), a local government sponsor may prepare an environmental review document for a highway project that is not identified by the commission or in a program described by Subsection (a) if the sponsor submits with its notice under Section 201.755 a fee in an amount established by commission rule, but not to exceed the actual cost of reviewing the environmental review document.

(c) A fee received by the department under Subsection (b) must be deposited in the state highway fund and used to pay costs incurred under this subchapter.

Sec. 201.754. SCOPE OF PROJECT. If an environmental review document is prepared by a local government sponsor, the local government sponsor must prepare a detailed scope of the project in collaboration with the department before the department may process the environmental review document.

Sec. 201.755. NOTICE TO DEPARTMENT. (a) A local government sponsor may submit notice to the department proposing that the local government sponsor prepare the environmental review document for a highway project.

(b) The notice must include:

(1) the project scope prepared under Section 201.754; and

(2) a request for classification of the project.

Sec. 201.756. LOCAL GOVERNMENT SPONSOR RESPONSIBILITIES. A local government sponsor that submits notice under Section 201.755 is responsible for preparing all materials for:

(1) project scope determination;

(2) environmental reports;

(3) the environmental review document;

(4) environmental permits and conditions;

(5) coordination with resource agencies; and

(6) public participation.

Sec. 201.757. DETERMINATION OF ADMINISTRATIVELY COMPLETE ENVIRONMENTAL REVIEW DOCUMENT. (a) A local government sponsor's submission of an environmental review document must include a statement from the local government sponsor that the document is administratively complete, ready for technical review, and compliant with all applicable requirements.

(b) Not later than the 20th day after the date the department receives a local government sponsor's environmental review document, the department shall either:

(1) issue a letter confirming that the document is administratively complete and ready for technical review; or

(2) decline to issue a letter confirming that the document is administratively complete and ready for technical review, in accordance with Section 201.758.

Sec. 201.758. DEPARTMENT DECLINES TO CONFIRM THAT DOCUMENT IS ADMINISTRATIVELY COMPLETE. (a) The department may decline to issue a letter confirming that an environmental review document is administratively complete and ready for technical review only if the department sends a written response to the local government sponsor specifying in reasonable detail the basis for its conclusions, including a listing of any required information determined by the department to be missing from the document.

(b) If the department provides notice under Subsection (a), the department shall undertake all reasonable efforts to cooperate with the local government sponsor in a timely manner to ensure that the environmental review document is administratively complete.

(c) The local government sponsor may resubmit any environmental review document determined by the department under Section 201.757 not to be administratively complete, and the department shall issue a determination letter on the resubmitted document not later than the 20th day after the date the document is resubmitted.

Sec. 201.759. REVIEW DEADLINES. (a) The following deadlines must be included in the standards adopted under Section 201.752:

(1) the department shall issue a classification letter not later than the 30th day after the date the department receives notice from a local government sponsor under Section 201.755;

(2) for a project classified as a programmatic categorical exclusion, the environmental decision must be rendered not later than the 60th day after the date the supporting documentation is received by the department;

(3) for a project classified as a categorical exclusion, the environmental decision must be rendered not later than the 90th day after the date the supporting documentation is received by the department;

(4) for a project that requires the preparation of an environmental assessment:

(A) the department must provide all department comments on a draft environmental assessment not later than the 90th day after the date the draft is received by the department; and

(B) the department must render the environmental decision on the project not later than the 60th day after the later of:

(i) the date the revised environmental assessment is submitted to the department; or

(ii) the date the public involvement process concludes;

(5) the department must render the environmental decision on any reevaluation not later than the 120th day after the date the supporting documentation is received by the department; and

(6) for a project that requires the preparation of an environmental impact statement, the department shall render the environmental decision not later than the 120th day after the date the draft final environmental impact statement is submitted.

(b) Review deadlines under this section specify the date by which the department will render the environmental decision on a project or the time frames by which the department will make a recommendation to the Federal Highway Administration, as applicable.

(c) A deadline that falls on a weekend or official state holiday is considered to occur on the next business day.

Sec. 201.760. SUSPENSION OF TIME PERIODS. The computation of review deadlines under Section 201.759 does not begin until an environmental review document is determined to be administratively complete, and is suspended during any period in which:

(1) the document that is the subject of the review is being revised by or on behalf of the local government sponsor in response to department comments;

(2) the highway project is the subject of additional work, including a change in design of the project, and during the identification and resolution of new significant issues; or

(3) the local government sponsor is preparing a response to any issue raised by legal counsel for the department concerning compliance with applicable law.

Sec. 201.761. AGREEMENT BETWEEN LOCAL GOVERNMENT SPONSOR AND DEPARTMENT. Notwithstanding any provision of this subchapter or any other law, a local government sponsor and the department may enter into an agreement that defines the relative roles and responsibilities of the parties in the preparation and review of environmental review documents for a specific project. For a project for which an environmental decision requires the approval of the Federal Highway Administration and to the extent otherwise permitted by law, the Federal Highway Administration may also be a party to an agreement between a local government sponsor and the department under this section.

Sec. 201.762. REPORTS TO COMMISSION AND LEGISLATURE. (a) Not later than June 30 and December 31 of each year, the department shall submit a report to the commission at a regularly scheduled commission meeting identifying projects being processed under the procedures of this subchapter and the status of each project, including:

(1) how the project was classified for environmental review;

(2) the current status of the environmental review;

(3) the date on which the department is required to make an environmental decision under applicable deadlines;

(4) an explanation of any delays; and

(5) any deadline under Section 201.759 missed by the department.

(b) Not later than December 1 of each year, the department shall submit a report to the members of the standing legislative committees with primary jurisdiction over matters related to transportation regarding the implementation of this subchapter, including a status report for the preceding 12-month period that contains the information described in Subsection (a).

(c) The department shall post copies of the reports required under this section on its Internet website and shall provide a copy of the report required by Subsection (b) to each member of the legislature who has at least one project covered by the report in the member's district.

(d) The department shall make available on its Internet website and update regularly the status of projects being processed under this subchapter.

(b) The Texas Transportation Commission shall adopt rules to implement Subchapter I-1, Chapter 201, Transportation Code, as added by this section, not later than March 1, 2012.

(c) Subchapter I-1, Chapter 201, Transportation Code, as added by this section, applies only to a notice of a local government sponsor proposing the sponsor's preparation of an environmental review document that is received by the Texas Department of Transportation on or after the effective date of this Act. Submissions to the Texas Department of Transportation received before the effective date of this Act are governed by the law in effect on the date the submission was received, and that law is continued in effect for that purpose.

SECTION _____. Subchapter A, Chapter 222, Transportation Code, is amended by adding Sections 222.005 and 222.006 to read as follows:

Sec. 222.005. AUTHORIZATION TO PROVIDE ASSISTANCE TO EXPEDITE ENVIRONMENTAL REVIEW. (a) The department, a county, a regional tollway authority operating under Chapter 366, or a regional mobility authority operating under Chapter 370 may enter into an agreement to provide funds to a state or federal agency to expedite the agency's performance of its duties related to the environmental review process for the applicable entity's transportation projects, including those listed in the applicable metropolitan planning organization's long-range transportation plan under 23 U.S.C. Section 134.

(b) Except as provided by Subsection (c), an agreement entered into under this section:

(1) may specify transportation projects the applicable entity considers to be priorities for review; and

(2) must require the agency receiving money to complete the environmental review in less time than is customary for the completion of environmental review by that agency.

(c) The department may enter into a separate agreement for a transportation project that the department determines has regional importance.

(d) An agreement entered into under this section does not diminish or modify the rights of the public regarding review and comment on transportation projects.

(e) An entity entering into an agreement under this section shall make the agreement available on the entity's Internet website.

Sec. 222.006. ENVIRONMENTAL REVIEW CERTIFICATION PROCESS. The department by rule shall establish a process to certify department district environmental specialists to work on all documents related to state and federal environmental review processes. The certification process must:

(1) be available to department employees; and

(2) require continuing education for recertification.

SECTION _____. (a) Section 12.0011, Parks and Wildlife Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Recommendations and information submitted by the department under Subsection (b) in response to a request for comments from the Texas Department of Transportation must be submitted not later than the 45th day after the date the department receives the request.

(b) Section 12.0011(b-1), Parks and Wildlife Code, as added by this section, applies only to a request for comments from the Texas Department of Transportation received on or after the effective date of this Act.

Floor Amendment No. 12

Amend Amendment No. 11 by Harper-Brown (page 25 of the prefiled amendments packet) to **CSSB 1420** by striking page 4, lines 2-14, and substituting the following:

(e) For highway projects described in Section 201.753(a), the standards may provide a process and criteria for the prioritization of environmental review documents in the event the department makes a finding that it lacks adequate resources to timely process all documents it receives. Standards established pursuant to this subsection must provide for notification to a local government sponsor if processing of an environmental review document is to be delayed due to prioritization, and must ensure that the environmental review document for each highway project will be completed no later than one year prior to the date planned for publishing notice to let the construction contract for the project, as indicated in a document identifying the project under Section 201.753(a)(1) or a commission order under Section 201.753(a)(2).

Floor Amendment No. 13

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 228, Transportation Code, is amended by adding Section 228.013 to read as follows:

Sec. 228.013. DETERMINATION OF FINANCIAL TERMS FOR CERTAIN TOLL PROJECTS. (a) This section applies only to a proposed department toll project in which a private entity has a financial interest in the project's performance and for which:

- (1) funds dedicated to or controlled by a region will be used;
- (2) right-of-way is provided by a municipality or county; or
- (3) revenues dedicated to or controlled by a municipality or county will be used.

(b) The distribution of a project's financial risk, the method of financing for a project, and the tolling structure and methodology must be determined by a committee consisting of the following members:

- (1) a representative of the department;
- (2) a representative of any local toll project entity, as defined by Section 371.001, for the area in which the project is located;

(3) a representative of the applicable metropolitan planning organization;
and
(4) a representative of each municipality or county that has provided revenue or right-of-way as described by Subsection (a).

Floor Amendment No. 14

Amend **CSSB 1420** (house committee printing) by striking SECTION 25 of the bill (page 33, line 18, through page 34, line 12) and substituting the following:

SECTION 25. Chapter 223, Transportation Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DESIGN-BUILD CONTRACTS

Sec. 223.241. DEFINITIONS. In this subchapter:

(1) "Design-build contractor" means a partnership, corporation, or other legal entity or team that includes an engineering firm and a construction contractor qualified to engage in the construction of highway projects in this state.

(2) "Design-build method" means a project delivery method by which an entity contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility.

Sec. 223.242. SCOPE OF AND LIMITATIONS ON CONTRACTS. (a) Notwithstanding the requirements of Subchapter A and Chapter 2254, Government Code, the department may use the design-build method for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

(b) A design-build contract under this subchapter may not grant to a private entity:

(1) a leasehold interest in the highway project; or

(2) the right to operate or retain revenue from the operation of a toll project.

(c) In using the design-build method and in entering into a contract for the services of a design-build contractor, the department and the design-build contractor shall follow the procedures and requirements of this subchapter.

(d) The department may enter into not more than three design-build contracts for highway projects, each of which has a construction cost estimate of \$50 million or more to the department, in any fiscal year.

(e) Money disbursed by the department to pay engineering costs for the design of a project incurred by the design-build contractor under a design-build contract may not be included in the amounts under Section 223.041:

(1) required to be spent in a state fiscal biennium for engineering-related services; or

(2) appropriated in Strategy A.1.1, Plan/Design/Manage or Strategy A.1.2, Contracted Planning and Design of the General Appropriations Act.

Sec. 223.243. USE OF ENGINEER OR ENGINEERING FIRM. (a) To act as the department's representative, independent of a design-build contractor, for the procurement process and for the duration of the work on a highway project, the department shall select or designate:

(1) an engineer;

(2) a qualified firm, selected in accordance with Section 2254.004, Government Code, who is independent of the design-build contractor; or

(3) a general engineering consultant that was previously selected by the department and is selected or designated in accordance with Section 2254.004, Government Code.

(b) The selected or designated engineer or firm has full responsibility for complying with Chapter 1001, Occupations Code.

Sec. 223.244. OTHER PROFESSIONAL SERVICES. (a) The department shall provide or contract for, independently of the design-build contractor, the following services as necessary for the acceptance of the highway project by the department:

(1) inspection services;

(2) construction materials engineering and testing; and

(3) verification testing services.

(b) The department shall ensure that the engineering services contracted for under this section are selected based on demonstrated competence and qualifications.

(c) This section does not preclude a design-build contractor from providing construction quality assurance and quality control under a design-build contract.

Sec. 223.245. REQUEST FOR QUALIFICATIONS. (a) For any highway project to be delivered through the design-build method, the department must prepare and issue a request for qualifications. A request for qualifications must include:

(1) information regarding the proposed project's location, scope, and limits;

(2) information regarding funding that may be available for the project;

(3) criteria that will be used to evaluate the qualifications statements, which must include a proposer's qualifications, experience, technical competence, and ability to develop the project;

(4) the relative weight to be given to the criteria; and

(5) the deadline by which qualifications statements must be received by the department.

(b) The department shall publish notice advertising the issuance of a request for qualifications in the Texas Register and on the department's Internet website.

(c) The department shall evaluate each qualifications statement received in response to a request for qualifications based on the criteria identified in the request. The department may interview responding proposers. Based on the department's evaluation of qualifications statements and interviews, if any, the department shall qualify or short-list proposers to submit proposals.

(d) The department shall qualify or short-list at least two private entities to submit proposals under Section 223.246, but may not qualify or short-list more private entities than the number of private entities designated on the request for qualifications. If the department receives only one responsive qualifications statement, the department shall terminate the procurement.

(e) The department may withdraw a request for qualifications or request for proposals at any time.

Sec. 223.246. REQUEST FOR PROPOSALS. (a) The department shall issue a request for proposals to proposers short-listed under Section 223.245. A request for proposals must include:

(1) information on the overall project goals;

(2) publicly available cost estimates for the design-build portion of the project;

(3) materials specifications;
(4) special material requirements;
(5) a schematic design approximately 30 percent complete;
(6) known utilities, provided that the department is not required to undertake an effort to locate utilities;

(7) quality assurance and quality control requirements;
(8) the location of relevant structures;
(9) notice of any rules or goals adopted by the department relating to awarding contracts to disadvantaged business enterprises or small business enterprises;

(10) available geotechnical or other information related to the project;
(11) the status of any environmental review of the project;
(12) detailed instructions for preparing the technical proposal required under Subsection (d), including a description of the form and level of completeness of drawings expected;

(13) the relative weighting of the technical and cost proposals required under Subsection (d) and the formula by which the proposals will be evaluated and ranked; and

(14) the criteria to be used in evaluating the technical proposals, and the relative weighting of those criteria.

(b) The formula used to evaluate proposals under Subsection (a)(13) must allocate at least 70 percent of the weighting to the cost proposal.

(c) A request for proposals must also include a general form of the design-build contract that the department proposes and that may be modified as a result of negotiations prior to contract execution.

(d) Each response to a request for proposals must include a sealed technical proposal and a separate sealed cost proposal submitted to the department by the date specified in the request for proposals.

(e) The technical proposal must address:

(1) the proposer's qualifications and demonstrated technical competence, unless that information was submitted to the department and evaluated by the department under Section 223.245;

(2) the feasibility of developing the project as proposed, including identification of anticipated problems;

(3) the proposed solutions to anticipated problems;

(4) the ability of the proposer to meet schedules;

(5) the conceptual engineering design proposed; and

(6) any other information requested by the department.

(f) The department may provide for the submission of alternative technical concepts by a proposer. If the department provides for the submission of alternative technical concepts, the department must prescribe a process for notifying a proposer whether the proposer's alternative technical concepts are approved for inclusion in a technical proposal.

(g) The cost proposal must include:

(1) the cost of delivering the project; and

(2) the estimated number of days required to complete the project.

(h) A response to a request for proposals shall be due not later than the 180th day after the final request for proposals is issued by the department. This subsection does not preclude the release by the department of a draft request for proposals for purposes of receiving input from short-listed proposers.

(i) The department shall first open, evaluate, and score each responsive technical proposal submitted on the basis of the criteria described in the request for proposals and assign points on the basis of the weighting specified in the request for proposals. The department may reject as nonresponsive any proposer that makes a significant change to the composition of its design-build team as initially submitted that was not approved by the department as provided in the request for proposals. The department shall subsequently open, evaluate, and score the cost proposals from proposers that submitted a responsive technical proposal and assign points on the basis of the weighting specified in the request for proposals. The department shall rank the proposers in accordance with the formula provided in the request for proposals.

Sec. 223.247. NEGOTIATION. (a) After ranking the proposers under Section 223.246(i), the department shall first attempt to negotiate a contract with the highest ranked proposer. The department may include in the negotiations alternative technical concepts proposed by other proposers, subject to Section 223.249.

(b) If the department is unable to negotiate a satisfactory contract with the highest ranked proposer, the department shall, formally and in writing, end all negotiations with that proposer and proceed to negotiate with the next proposer in the order of the selection ranking until a contract is reached or negotiations with all ranked proposers end.

Sec. 223.248. ASSUMPTION OF RISKS AND COSTS. (a) Except as provided by Subsection (b), the department shall assume:

(1) all risks and costs associated with:

(A) changes and modifications to the scope of the project requested by the department;

(B) unknown or differing conditions at the site of the project;

(C) applicable environmental clearance and other regulatory permitting necessary for the project; and

(D) natural disasters and other force majeure events; and

(2) all costs associated with property acquisition, other than costs associated with acquiring a temporary easement or work area used for staging or constructing the project.

(b) A design-build contractor may assume some or all of the risks or costs described by Subsection (a) if the terms of the assumption are reflected in the final request for proposals, including all supplements to the request.

Sec. 223.249. STIPEND AMOUNT FOR UNSUCCESSFUL PROPOSERS.

(a) The department shall pay an unsuccessful proposer that submits a responsive proposal a stipend for the work product contained in the proposal that the department determines can be used by the department in the performance of the department's functions. The stipend must be a minimum of twenty-five hundredths of one percent of the contract amount and must be specified in the initial request for proposals, but may not exceed the value of the work product contained in the proposal that the department determines can be used by the department in the performance of the

department's functions. If the department determines that the value of the work product is less than the stipend amount, the department shall provide the proposer with a detailed explanation of the valuation, including the methodology and assumptions used by the department in determining the value of the work product. After payment of the stipend, the department may make use of any work product contained in the unsuccessful proposal, including the techniques, methods, processes, and information contained in the proposal. The use by the department of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the department and does not confer liability on the recipient of the stipend under this subsection.

(b) In a request for proposals, the department shall provide for the payment of a partial stipend in the event that a procurement is terminated before the execution of a design-build contract.

Sec. 223.250. PERFORMANCE OR PAYMENT BOND. (a) The department shall require a design-build contractor to provide:

- (1) a performance and payment bond;
- (2) an alternative form of security; or
- (3) a combination of the forms of security described by Subdivisions (1) and

(2).

(b) Except as provided by Subsection (c), a performance and payment bond, alternative form of security, or combination of the forms shall be in an amount equal to the cost of constructing or maintaining the project.

(c) If the department determines that it is impracticable for a private entity to provide security in the amount described by Subsection (b), the department shall set the amount of the security.

(d) A performance and payment bond is not required for the portion of a design-build contract under this section that includes design services only.

(e) The department may require one or more of the following alternative forms of security:

- (1) a cashier's check drawn on a financial entity specified by the department;
- (2) a United States bond or note;
- (3) an irrevocable bank letter of credit provided by a bank meeting the requirements specified in the request for proposals; or
- (4) any other form of security determined suitable by the department.

(f) Section 223.006 of this code and Chapter 2253, Government Code, do not apply to a bond or alternative form of security required under this section.

Floor Amendment No. 15

Amend Floor Amendment No. 14 by Harper-Brown to **CSSB 1420** (page 37 of the prefiled amendments packet) as follows:

- (1) On page 2, line 2, strike "not more than three".
- (2) On page 2, line 3, strike "each of which" and substitute "if the contract".
- (3) On page 2, line 5, strike ", in any fiscal year".

(4) On page 4, lines 10-12, strike "If the department receives only one responsive qualifications statement, the department shall terminate the procurement" and substitute "If the department receives only one responsive qualifications statement to a request for qualifications, an independent audit by the comptroller's office must confirm and validate that:

(1) the project, for which the request for qualifications was issued, delivered value for the public investment; and

(2) no anti-competitive practices were involved in the procurement".

Floor Amendment No. 18

Amend **CSSB 1420** on page 1 line 14 (committee printing) by adding a new Subsection (4), as follows and renumber accordingly

(4) A coordinated county transportation authority; or

Floor Amendment No. 20

Amend Amendment No. 18 by Crossover to **CSSB 1420** (page 73 of the prefiled amendments packet) by adding the following appropriately numbered item to the amendment:

(____) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 456.003, Transportation Code, is amended to read as follows:

Sec. 456.003. PARTICIPATION INELIGIBILITY. A transit authority is ineligible to participate in the formula or discretionary program provided by this chapter unless the authority was created under Chapter 453 or former Article 1118z, Revised Statutes, by a municipality having a population of less than 200,000 at the time the authority is created.

SECTION _____. Section 456.006, Transportation Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Notwithstanding Subsection (b), an urban transit district that was not included in an urbanized area containing a transit authority according to the 2000 federal decennial census but, as a result of the 2010 federal decennial census urban and rural classification, is included in an urbanized area that contains one or more transit authorities may receive money from the formula or discretionary program in an amount that does not exceed the amount of funds allocated to the district during the fiscal biennium ending August 31, 2011. This subsection expires August 31, 2018.

(b-2) The population of a municipality that was considered part of an urban transit district for purposes of the state transit funding formula for the fiscal biennium ending August 31, 2011, but that is included in a large urbanized area as a result of the 2010 federal decennial census, continues to be considered part of the urban transit district for purposes of the state transit funding formula. This subsection expires August 31, 2018.

SECTION _____. Subchapter B, Chapter 456, Transportation Code, is amended by adding Section 456.0221 to read as follows:

Sec. 456.0221. ALLOCATION TO CERTAIN RECIPIENTS AFFECTED BY NATURAL DISASTER. (a) The commission shall consider as an urban transit district for the purposes of the allocation of funds under this chapter a designated recipient:

(1) that received money under the formula as an urban transit district for the fiscal biennium ending August 31, 2011;

(2) whose population according to the most recent decennial census is less than 50,000; and

(3) whose population loss over the preceding 10-year period is primarily the result of a natural disaster.

(b) This section expires August 31, 2018.

Floor Amendment No. 21

Amend the Crownover amendment No. 18 on page 73 to **CSSB 1420** by adding, following the word "authority" the phrase ", Chapter 451 Authority".

Floor Amendment No. 22

Amend **CSSB 1420** (house committee printing) as follows:

(1) On page 1, line 17, between "Subsections" and "(d)", insert "(a), (b),".

(2) On page 1, between lines 18 and 19, insert the following:

(a) The Texas Transportation Commission consists of five members, of whom:

(1) three are appointed by the governor with the advice and consent of the senate;

(2) one is appointed by the governor with the advice and consent of the senate, selected from a list of individuals provided by the speaker of the house of representatives; and

(3) one is appointed by the lieutenant governor.

(b) The members shall be appointed to reflect the diverse geographic regions and population groups of this state. One member appointed by the governor under Subsection (a)(1) must reside in a rural area.

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. The appointment of members of the Texas Transportation Commission, as provided by Section 201.051(a), Transportation Code, as amended by this Act, shall be made as follows:

(1) for the two terms expiring February 1, 2013, the governor and the lieutenant governor shall each make an appointment;

(2) for the two terms expiring February 1, 2015, the governor shall make one appointment and the governor shall make one appointment selected from a list provided by the speaker of the house of representatives; and

(3) for the term expiring February 1, 2017, the governor shall make the appointment.

Floor Amendment No. 23

Amend **CSSB 1420** (house committee report) as follows:

(1) On page 4, line 12, strike "(a)".

(2) On page 4, line 15, strike "department shall employ" and substitute "commission shall appoint".

(3) On page 4, lines 15-17, strike "The chief financial officer must be a certified public accountant who is licensed and in good standing in this state." and substitute "The chief financial officer must:

(1) have at least one master's or doctoral degree; and
(2) be a certified public accountant who is licensed and in good standing in this state."

(4) On page 4, strike lines 18-24 and substitute the following:

(b) The chief financial officer shall oversee the department's financial activities, including:

(1) managing department debt;

(2) exploring new mechanisms to finance transportation projects;

(3) budgeting for pass-through toll projects and department contracts; and

(4) overseeing the project delivery office established under Section 201.1076.

(5) On page 5, strike lines 8-16.

(6) On page 8, line 24, strike "Section 201.401(a), Transportation Code, is" and substitute "(a) Sections 201.401(a) and (b), Transportation Code, are".

(7) On page 9, between lines 14 and 15, insert the following:

(b) A person may not act as general, outside, or retained counsel to the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department. A person who acts as general counsel to the department must be licensed as an attorney in this state.

(b) The changes in law made by this Act to Section 201.401, Transportation Code, in the qualifications of the general counsel of the Texas Department of Transportation do not affect the entitlement of a person serving in that position immediately before the effective date of this Act to continue to carry out the position's functions for the remainder of the position's term. The changes in law apply only to a general counsel appointed on or after the effective date of this Act. This Act does not prohibit a person who is serving as the general counsel on the effective date of this Act from being reappointed to that position if the person has the qualifications required for the position under Section 201.401, Transportation Code, as amended by this Act.

(8) Add the following appropriately numbered SECTIONS and renumber the remaining SECTIONS of the bill accordingly:

SECTION ____. Subchapter A, Chapter 201, Transportation Code, is amended by adding Section 201.004 to read as follows:

Sec. 201.004. CONSIDERATION OF OUTSIDE APPLICANTS. In making an appointment under this chapter, the commission shall consider applicants from outside the department.

SECTION ____. Subchapter C, Chapter 201, Transportation Code, is amended by adding Section 201.1076 to read as follows:

Sec. 201.1076. PROJECT DELIVERY OFFICE. The chief financial officer shall establish and oversee a project delivery office within the department to coordinate the activities of other department offices and personnel to accomplish the commission's financial objectives and fulfill the appointing authority's financial reporting requirements.

SECTION ____. (a) Section 201.108, Transportation Code, is amended to read as follows:

Sec. 201.108. INTERNAL AUDITOR. (a) The commission shall appoint an internal auditor for the department. The auditor must:

- (1) have at least one master's or doctoral degree;
- (2) be a certified public accountant who is licensed and in good standing in this state;
- (3) be a certified internal auditor; and
- (4) have demonstrated experience in preparing financial statements and reports.

(b) The auditor shall:

- (1) report directly to the commission on the conduct of department affairs;
- (2) administer and oversee compliance functions of the department; and
- (3) facilitate preparation of financial statements or reports required by law to be filed by the commission.

(b) The changes in law made by this Act to Section 201.108, Transportation Code, in the qualifications of the internal auditor of the Texas Department of Transportation do not affect the entitlement of a person serving in that position immediately before the effective date of this Act to continue to carry out the position's functions for the remainder of the position's term. The changes in law apply only to an internal auditor appointed on or after the effective date of this Act. This Act does not prohibit a person who is serving as the internal auditor on the effective date of this Act from being reappointed to that position if the person has the qualifications required for the position under Section 201.108, Transportation Code, as amended by this Act.

Floor Amendment No. 24

Amend the amendment No. 23 identified as Chief Clerk's #821506 found at page 78 of prefiled amendments to **CSSB 1420** (house committee report), as follows:

In an appropriately numbered section of the bill, insert the following subparagraphs (to be properly enumerated):

() A person may not act as general, outside, or retained counsel to the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department. A person who acts as general counsel to the department must be licensed as an attorney in this state.

() The changes in law made by this Act to Section 201.401, Transportation Code, in the qualifications of the general counsel of the Texas Department of Transportation do not affect the entitlement of a person serving in that position immediately before the effective date of this Act to continue to carry out the position's functions for the remainder of the position's term. The changes in law apply only to a general counsel appointed on or after the effective date of this Act. This Act does not prohibit a person who is serving as the general counsel on the effective date of this Act from being reappointed to that position if the person has the qualifications required for the position under Section 201.401, Transportation Code, as amended by this Act.

Floor Amendment No. 25

Amend **CSSB 1420** (house committee report) as follows:

(1) On page 4, lines 16-17, strike "be a certified public accountant who is licensed and in good standing in this state" and substitute "have at least 10 years of progressively responsible professional experience in fiscal management practices and procedures, with at least 7 years of progressively responsible managerial experience".

(2) Strike page 4, line 18, through page 5, line 4, and substitute the following:

(b) The chief financial officer shall:

(1) oversee:

(A) the department's financial activities, including managing the department's debt and loan portfolio and exploring new mechanisms to finance transportation projects; and

(B) the management of the state highway fund; and

(2) certify each month that any state highway construction and maintenance contracts to be awarded by the department during that month will not create state liability that exceeds the department's most recent cash flow forecast.

(3) On page 5, line 5, strike "(d)" and substitute "(c)".

(4) On page 5, line 8, strike "(e)" and substitute "(d)".

Floor Amendment No. 26

Amend **CSSB 1420** (house committee report) as follows:

(1) On page 4, line 20, strike "debt portfolio" and substitute "loan portfolio".

(2) On page 4, strike lines 21-24 and substitute the following:

(2) financial forecasting of the department's revenues and expenditures;

(3) establishing and monitoring of the department's budget; and

(4) financial reporting on federal and state programs.

(3) Strike page 4, line 25, through page 5, line 4, and substitute the following:

(c) The chief financial officer shall certify each month that any state highway construction and maintenance contracts to be awarded by the department during that month will not create state liability that exceeds the department's most recent cash flow forecast.

(4) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 201.209, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department by rule shall adopt policies and procedures consistent with applicable state procurement practices for soliciting and awarding the contracts under Subsection (a) [~~this section~~].

(c) The department may contract with experts and consultants to assist the department:

(1) in matters involving debt management, comprehensive development agreements, regional mobility authorities, toll roads, or public-private partnerships; and

(2) in exploring other mechanisms to finance transportation projects.

Floor Amendment No. 27

Amend **CSSB 1420** (house committee printing) as follows:

- (1) On page 1, line 17, between "Subsections" and "(d)", insert "(b),".
- (2) On page 1, between lines 18 and 19, insert the following:

(b) The members shall be appointed to reflect the diverse geographic regions and population groups of this state. One member must reside in a rural area and be a registered voter of a county with a population of less than 100,000.

Floor Amendment No. 28

Amend Amendment No. 27 by Kolkhorst to **CSSB 1420** (page 77 of the prefiled amendments packet) as follows:

(1) On page 1, line 10 of the amendment, strike "100,000" and substitute "150,000".

(2) At the end of the amendment, add:

(3) On page 1, line 16, of the bill, between "SECTION 2." and "Section" insert "(a)".

(4) On page 3, between lines 9 and 10 of the bill, insert:

(b) Section 201.051(b), Transportation Code, as amended by this Act, does not affect the right of a commissioner serving on the effective date of this Act to complete the commissioner's term. The requirement of Section 201.051(b), Transportation Code, as amended by this Act, applies at the time a vacancy occurs in the position held by the person serving as the rural designee on the effective date of this Act.

Floor Amendment No. 30

Amend **CSSB 1420** (house committee printing) as follows:

(1) On page 5, line 18, strike "and 201.119" and substitute ", 201.119, and 201.120".

(2) On page 7, between lines 6 and 7, insert the following:

Sec. 201.120. LEGISLATIVE APPROPRIATIONS REQUEST. (a) Department staff shall deliver the department's legislative appropriations request to the commission in an open meeting not later than the 30th day before the date the department submits the legislative appropriations request to the Legislative Budget Board.

(b) The commission may adopt the legislative appropriations request in the meeting described by Subsection (a) or in a subsequent open meeting.

Floor Amendment No. 31

Amend **CSSB 1420** (house committee report) on page 8, line 9, by striking "and programs".

Floor Amendment No. 32

Amend **CSSB 1420** (house committee printing) as follows:

On page 24, beginning at line 1, amend SECTION 21 (or an appropriately numbered SECTION) of the bill, by adding Subdivision (h) to Sec. 201.808 of Subchapter J, Chapter 201, Transportation Code to read as follows:

(h) To provide a means of verifying the accuracy of information being made available through the transportation expenditure reporting system, the department shall retain and archive appropriate documentation supporting the expenditure information or data summary that is detailed in the reporting system, by archiving true and correct copies of the original supporting documentation in digital, electronic, or other appropriate format of storage or imaging that allows departmental management and retrieval of the records. Supporting documentation may include, but is not limited to, contract or transactional documents, letter agreements, invoices, statements, payment vouchers, requests for object of expenditure payments to be made by or on behalf of the department, and other items establishing the purpose and payment of the expenditure. Such documentation shall be retained for the applicable period of time as set forth in the Texas Administrative Code for records retention and destruction according to rules promulgated by the Texas State Library and Archives Commission.

Floor Amendment No. 34

Amend **CSSB 1420** (house committee printing) as follows:

On page 7, between lines 25 and 27, and on page 8, line 1, amend SECTION 10 (or an appropriately numbered SECTION) of the bill as follows:

Sec. 201.210. LEGISLATIVE LOBBYING. (a) In addition to Section 556.006, Government Code, the commission or a department employee may not ~~use money under the department's control~~ or engage in an activity on behalf of the department to influence the passage or defeat of legislation.

Floor Amendment No. 35

Amend Amendment No. 34 by McClendon to **CSSB 1420** (page 87 of the prefiled amendments packet) on page 1, by striking line 8 and substituting "employee may not use money under the department's control or".

Floor Amendment No. 37

Amend **CSSB 1420** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 201.105, Transportation Code, is amended by adding the following Subsection (b-1) to read as follows:

(b-1) In determining district boundaries, the commission shall include Val Verde County in the district that contains Tom Green County.

Floor Amendment No. 43

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.622 to read as follows:

Sec. 201.622. BUSINESS ADOPTION OF INTERSECTION PROGRAM. (a) This section applies only to a municipality with a population of 100,000 or more.

(b) Each district engineer shall prepare and submit a plan to the department for a program to encourage businesses to adopt and maintain state highway intersections in each municipality in the district.

(c) A plan submitted under this section must include recognition for a business that maintains and improves the appearance of an intersection.

(d) The department shall adopt rules for the selection or approval of plans and for the implementation of plans.

Floor Amendment No. 46

Amend **CSSB 1420** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.622 to read as follows:

Sec. 201.622. WILDFIRE EMERGENCY EVACUATION ROUTE. (a) Notwithstanding Section 418.018, Government Code, in a county (1) of less than 75,000 and (2) with a verifiable history of wildfire, the department may designate an emergency evacuation route for use in the event of a wildfire emergency. The department may establish criteria to determine which areas of a county are subject to a potential wildfire emergency.

(b) The department may assist in the improvement of a designated wildfire emergency evacuation route.

(c) Criteria for determining a wildfire emergency evacuation route must provide for evacuation of commercial establishments such as motels, hotels and other businesses with overnight accommodations.

(d) A wildfire emergency evacuation route designated under Subsection (a) may include federal or state highways or county roads.

Floor Amendment No. 48

Amend **CSSB 1420** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 201.943(b), (c), (d), (e), and (f), Transportation Code, are amended to read as follows:

(b) Obligations must be secured by and payable from a pledge of and lien on all or part of the money in the fund, including the revenues of this state that are dedicated or appropriated for deposit to the fund. Obligations may be additionally secured by and payable from credit agreements. The commission may pay amounts due on the obligations from discretionary money available to it that is not dedicated to or appropriated for other specific purposes.

(c) The commission may create within the fund accounts, reserves, and subfunds for purposes the commission finds appropriate and necessary [~~in connection with the issuance of obligations~~].

(d) Obligations may be issued for one or more of the following purposes:

(1) to pay all or part of the costs of constructing, reconstructing, acquiring, and expanding state highways, including any necessary design and acquisition of rights-of-way, in the manner and locations determined by the commission that, according to conclusive findings of the commission, have an expected useful life, without material repair, of not less than 10 years;

(2) to provide participation by the state in the payment of part of the costs of constructing and providing publicly owned toll roads and other public transportation projects that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state;

(3) to make loans for a purpose described in Subdivision (1) or (2) to public entities, including a municipality, county, district, authority, agency, department, board, commission, or transportation corporation created under Chapter 431, that are authorized by law to construct, maintain, or finance a highway improvement project, toll road project, or public transportation project;

(4) to create debt service reserve accounts;

(5) [(4)] to pay interest on obligations for a period of not longer than two years;

(6) [(5)] to refund or cancel outstanding obligations; and

(7) [(6)] to pay the commission's costs of issuance.

(e) Long-term obligations in the amount proposed to be issued by the commission may not be issued unless the comptroller projects in a comptroller's certification that the amount of money dedicated to the fund pursuant to Section 49-k(e), Article III, Texas Constitution, and required to be on deposit in the fund pursuant to Section 49-k(f), Article III, Texas Constitution, together with any other money or revenues that the commission pledges or otherwise commits for the purposes of the fund, including loan repayments to be deposited in the fund under Section 201.9461, receipts from credit agreements, and money received or to be received from the federal government, uncommitted fund balances, and the investment earnings on [that] money in the fund, during each year of the period during which the proposed obligations are scheduled to be outstanding will be equal to at least 110 percent of the requirements to pay the principal of and interest on the proposed long-term obligations during that year.

(f) Short-term obligations in the amount proposed by the commission may not be issued unless the comptroller, in a comptroller's certification:

(1) assumes that the short-term obligations will be refunded and refinanced to mature over a 30-year [20-year] period with level debt service [principal] requirements and bearing interest at then current market rates, as determined by the comptroller; and

(2) projects that the amount of money dedicated to the fund pursuant to Section 49-k(e), Article III, Texas Constitution, and required to be on deposit in the fund pursuant to Section 49-k(f), Article III, Texas Constitution, together with any other money or revenues that the commission pledges or otherwise commits for the purposes of the fund, including loan repayments to be deposited in the fund under Section 201.9461, receipts from credit agreements, and money received or to be received from the federal government, uncommitted fund balances, and the investment earnings on [that] money in the fund, during each year of the assumed 30-year [20-year] period will be equal to at least 110 percent of the requirements to pay the principal of and interest on the proposed refunding obligations during that year.

SECTION _____. Subchapter M, Chapter 201, Transportation Code, is amended by adding Sections 201.9461 and 201.9462 to read as follows:

Sec. 201.9461. REPAYMENT TERMS; DEPOSIT OF REPAYMENTS. (a) For money disbursed from the fund as a loan, the commission shall determine the terms and conditions of repayment, including the interest rate to be charged.

(b) The department shall deposit in the fund all amounts received from repayment of a loan.

Sec. 201.9462. BORROWING FROM FUND BY PUBLIC ENTITY. (a) A public entity, including a municipality, county, district, authority, agency, department, board, commission, or transportation corporation created under Chapter 431, that is authorized by law to construct, maintain, or finance a highway improvement project, toll road project, or public transportation project may borrow money from the fund and may enter into any agreement relating to receiving a loan made from money in the fund.

(b) Money borrowed under Subsection (a) must be segregated from other funds under the control of the public entity and may be used only for a purpose authorized by this subchapter.

(c) To provide for the repayment of a loan, a public entity may:

(1) pledge revenues or income from any available source;

(2) pledge, levy, and collect any taxes, subject to any constitutional limitation; or

(3) pledge any combination of revenues, income, and taxes.

(d) This section is wholly sufficient authority for a public entity to borrow money from the fund as authorized by this subchapter and to pledge revenues, income, or taxes, or any combination of revenues, income, and taxes, to the repayment of a loan.

SECTION ____. Sections 222.003(c) and (e), Transportation Code, are amended to read as follows:

(c) Proceeds from the sale of bonds and other public securities issued under this section may ~~shall~~ be used to:

(1) fund state highway improvement projects; and

(2) make loans for the purpose described by Subdivision (1) to public entities, including a municipality, county, district, authority, agency, department, board, commission, or transportation corporation created under Chapter 431, that are authorized by law to construct, maintain, or finance a state highway improvement project.

(e) The proceeds of bonds and other public securities issued under this section may not be used for any purpose other than any costs related to the bonds and other public securities and the purposes described by this section ~~[for which revenues are dedicated under Section 7 a, Article VIII, Texas Constitution]~~. The proceeds of bonds and other public securities issued under this section may not be used for the construction of a state highway or other facility on the Trans-Texas Corridor. For purposes of this section, the "Trans-Texas Corridor" means the statewide system of multimodal facilities under the jurisdiction of the department that is designated by the commission, notwithstanding the name given to that corridor.

SECTION ____. Subchapter A, Chapter 222, Transportation Code, is amended by adding Sections 222.0031 and 222.0032 to read as follows:

Sec. 222.0031. REPAYMENT TERMS; DEPOSIT OF REPAYMENTS. (a) For money disbursed under Section 222.003 as a loan, the commission shall determine the terms and conditions of repayment, including the interest rates to be charged.

(b) The department shall deposit all amounts received from repayment of a loan in:

- (1) the state highway fund; or
- (2) a subaccount in the state infrastructure bank.

Sec. 222.0032. BORROWING FROM BOND PROCEEDS BY PUBLIC ENTITY. (a) A public entity, including a municipality, county, district, authority, agency, department, board, commission, or transportation corporation created under Chapter 431, that is authorized by law to construct, maintain, or finance a state highway improvement project may borrow money from the department through a loan made under Section 222.003, and may enter into any agreement relating to receiving a loan under that section.

(b) Money borrowed under Subsection (a) must be segregated from other funds under the control of the public entity and may be used only for the purpose authorized by Section 222.003(c)(1).

(c) To provide for the repayment of a loan, a public entity may:

- (1) pledge revenues or income from any available source;
- (2) pledge, levy, and collect any taxes, subject to any constitutional limitation; or
- (3) pledge any combination of revenues, income, and taxes.

(d) This section is wholly sufficient authority for a public entity to borrow money as authorized by Subsection (a) and to pledge revenues, income, or taxes, or any combination of revenues, income, and taxes, to the repayment of a loan.

SECTION ____. Sections 222.004(b) and (g), Transportation Code, are amended to read as follows:

(b) The commission by order or resolution may issue general obligation bonds for the purposes provided in this section. The commission may at any time during a biennium issue bonds or other public securities, and enter into related credit agreements, up to the aggregate amount of general obligation bond proceeds appropriated for that biennium, notwithstanding any estimate in an appropriations act relating to amounts expected to be expended in a fiscal year during that biennium. The aggregate principal amount of the bonds that are issued may not exceed the amount specified by Section 49-p(a), Article III, Texas Constitution.

(g) Bonds may be issued for one or more of the following purposes:

- (1) to pay all or part of the costs of highway improvement projects;
- (2) to make loans for the purpose described in Subdivision (1) to public entities, including a municipality, county, district, authority, agency, department, board, commission, or transportation corporation created under Chapter 431, that are authorized by law to construct, maintain, or finance a highway improvement project;

and

(3) [~~2~~] to pay:

- (A) the costs of administering projects authorized under this section;
- (B) the cost or expense of the issuance of the bonds; or

(C) all or part of a payment owed or to be owed under a credit agreement.

SECTION _____. Subchapter A, Chapter 222, Transportation Code, is amended by adding Sections 222.0041 and 222.0042 to read as follows:

Sec. 222.0041. REPAYMENT TERMS; DEPOSIT OF REPAYMENTS. (a) For money disbursed under Section 222.004 as a loan, the commission shall determine the terms and conditions of repayment, including the interest rates to be charged.

(b) The department shall deposit all amounts received from repayment of a loan made under Section 222.004 in a subaccount in the state infrastructure bank.

Sec. 222.0042. BORROWING FROM BOND PROCEEDS BY PUBLIC ENTITY. (a) A public entity, including a municipality, county, district, authority, agency, department, board, commission, or transportation corporation created under Chapter 431, that is authorized by law to construct, maintain, or finance a highway improvement project may borrow money from the department through a loan made under Section 222.004, and may enter into any agreement relating to receiving a loan under that section.

(b) Money borrowed under Subsection (a) must be segregated from other funds under the control of the public entity and may be used only for the purpose authorized by Section 222.004(g)(1).

(c) To provide for the repayment of a loan, a public entity may:

(1) pledge revenues or income from any available source;

(2) pledge, levy, and collect any taxes, subject to any constitutional limitation; or

(3) pledge any combination of revenues, income, and taxes.

(d) This section is wholly sufficient authority for a public entity to borrow money from the fund as authorized by Subsection (a) and to pledge revenues, income, or taxes, or any combination of revenues, income, and taxes, to the repayment of a loan.

SECTION _____. (a) Section 222.103, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission:

(1) shall ~~may~~ require:

(A) the repayment of any money spent by the department for the cost of a toll facility of a public entity; or

(B) the public entity to agree to share project revenue with the department, on terms and conditions approved by the commission; and

(2) shall require the repayment of any money spent by the department for the cost of a toll facility of a private entity.

(b) Money repaid as required by the commission and other payments received by the department in connection with an expenditure made under this section shall be deposited to the credit of the fund or account from which the expenditure was made except as otherwise required. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(b-1) Loan repayments and revenue sharing and other payments received by the department in connection with an expenditure made under this section may be used by the commission or the department to finance the construction, maintenance, or operation of tolled or nontolled transportation projects, as defined by Section 228.001, in any location in this state.

(b) Section 222.103(a), Transportation Code, as amended by this section, applies only to money loaned by the Texas Department of Transportation on or after the effective date of this Act.

Floor Amendment No. 49

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter Y, Chapter 201, Transportation Code, is amended by adding Section 201.2002 to read as follows:

Sec. 201.2002. JAMES E. "PETE" AND NELDA LANEY REST AREAS. (a) The northbound and southbound rest areas located on Interstate Highway 27 in Hale County are designated as the James E. "Pete" and Nelda Laney Rest Areas.

(b) The department shall design and construct markers at each rest area described by Subsection (a) indicating the designation of those rest areas as the James E. "Pete" and Nelda Laney Rest Areas and any other appropriate information.

(c) The department shall erect markers at appropriate locations at the rest areas.

(d) Notwithstanding Subsections (b) and (c), the department is not required to design, construct, or erect a marker under this section unless a grant or donation of private funds is made to the department to cover the cost of the design, construction, and erection of the marker.

(e) Money received under Subsection (d) shall be deposited to the credit of the state highway fund.

Floor Amendment No. 50

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION _____. Chapter 221, Transportation Code, is amended by adding Section 221.004 to read as follows:

Sec. 221.004. STATE BYWAYS PROGRAM. (a) The department shall develop, implement, and administer a program to:

(1) designate as scenic byways, highways or portions of highways in the state highway system that have notable scenic or historic qualities; and

(2) pursue funding under the federal scenic byways program for projects on highways designated as scenic byways.

(b) The department shall:

(1) adopt rules for the administration of this section and the state byways program; and

(2) structure the program under this section to maximize the amount of money available from the federal government for the program.

(c) At a minimum, the department shall designate the following highways as scenic byways:

- (1) State Highway 16 through Bandera, Kerr, Gillespie, and Llano Counties;
- (2) Interstate Highway 10 through Kendall, Kerr, Gillespie, and Kimble Counties;
- (3) State Highway 83 through Uvalde, Real, Kerr, Kimble, and Menard Counties; and
- (4) State Highway 29 through Menard, Mason, and Llano Counties.

Floor Amendment No. 51

Amend Amendment No. 50 by Hilderbran to **CSSB 1420** (page 143 of the prefiled amendments packet) on page 1, by striking lines 19-28 and substituting the following:

- (c) This section applies only to Kerr and Kimble Counties.

Floor Amendment No. 52

Amend **CSSB 1420** (house committee report) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 222.071, Transportation Code, is amended by adding Subdivisions (1-a), (2-a), and (7) and amending Subdivision (5) to read as follows:

- (1-a) "Bond" includes a bond, note, or other public security.
- (2-a) "Credit agreement" has the meaning assigned by Section 1371.001, Government Code.

(5) "Qualified project" includes:

- (A) the construction of a federal-aid highway;
- (B) a transit project under 49 U.S.C. Sections 5307, 5309, and 5311;

[or]

(C) for the expenditure of secondary funds from a subaccount subject to the federal act, a project eligible for assistance under Title 23 or Title 49, United States Code; or

(D) a transportation project.

(7) "Transportation project" means a tolled or nontolled highway improvement project.

SECTION _____. Section 222.072, Transportation Code, is amended to read as follows:

Sec. 222.072. STATE INFRASTRUCTURE BANK. (a) The state infrastructure bank is an account held by the Texas Treasury Safekeeping Trust Company ~~[in the state highway fund]~~. The bank is administered by the commission.

(b) The commission may deposit in the bank money derived from any source available to the commission, including:

(1) federal ~~[Federal]~~ funds received by the state, including funds received under the federal act;

(2) ~~[;]~~ matching state funds in an amount required by the federal ~~[that]~~ act;

(3) if appropriated by the legislature for that purpose:

(A) proceeds from bonds issued under Section 222.003;

(B) proceeds from bonds issued under Section 222.004; and

(C) other direct appropriations;

(4) proceeds from bonds issued under Section 201.943 and money provided by the commission from the Texas Mobility Fund that is in excess of the amount required to be on deposit in the Texas Mobility Fund under the proceedings that authorize Texas Mobility Fund bonds and credit agreements;

(5) a repayment of principal and interest on a loan made under Section 222.074;

(6) proceeds from the sale of loans under Section 222.078;

(7) [;] proceeds from bonds issued under Section 222.075;

(8) [;] secondary funds; and

(9) a gift or grant [; other state funds deposited into the bank by order of the commission, and other money received by the state that is eligible for deposit in the bank may be deposited into the bank and used only for the purposes described in this subchapter].

(c) The commission shall prepare and file biennially a report with the governor, the lieutenant governor, and the Legislative Budget Board that provides information on the operation of the bank, including:

(1) the amounts and sources of money deposited in the bank during the most recent biennium;

(2) investments and returns on investments of money in the bank during the most recent biennium;

(3) loans made from the bank during the most recent biennium;

(4) other financial assistance provided from the bank during the most recent biennium;

(5) the status of any defaults on repayment of loans or other financial assistance provided from the bank; and

(6) the details of any qualified project for which financial assistance is received from the bank during the most recent biennium, including the identity of a highway that is directly affected by the project and the degree to which the project is designed to reduce congestion, improve traffic safety, and enhance connectivity.

SECTION ____ . Section 222.074, Transportation Code, is amended by amending Subsection (a) and adding Subsections (d), (e), (f), and (g) to read as follows:

(a) To further a purpose described by Section 222.073, the commission may use money deposited to the credit of the bank to provide financial assistance to a public or private entity, including the department, for a qualified project to:

(1) extend credit by direct loan, including by purchasing an obligation of a public entity;

(2) provide liquidity or credit enhancement, including through an agreement to:

(A) provide a loan to a public or private entity; or

(B) purchase a bond, note, or other obligation from a public entity [enhancements];

(3) serve as a capital reserve for bond or debt instrument financing;

(4) subsidize interest rates;

(5) insure the issuance of a letter of credit or credit instrument;

(6) finance a purchase or lease agreement in connection with a transit project;

(7) provide security for bonds and other debt instruments; ~~or~~

(8) provide capitalized interest for debt financing by a public or private entity;

(9) provide a guarantee of the payment of operation and maintenance costs of a qualified project by a public entity;

(10) pay the cost of issuing a bond or other debt instrument; or

(11) provide methods of leveraging money that have been approved by the United States secretary of transportation and relate to the project for which the assistance is provided.

(d) The proceeds from bonds issued under Section 222.003 or 222.004 may only be used to provide financial assistance for a highway improvement project, subject to any limitations prescribed by law.

(e) Money from the Texas Mobility Fund may only be used to provide financial assistance for a state highway improvement project, publicly owned toll road, or public transportation project, that is located on or off of the state highway system, subject to any limitations prescribed by law.

(f) The commission may require a public or private entity that requests financial assistance from the bank to pay an application fee and other reasonable amounts in connection with the request. The commission shall deposit revenue collected under this subsection to the credit of the state highway fund.

(g) The department shall monitor the use of financial assistance provided to a public or private entity to ensure that the assistance is used for a purpose authorized by law. The department may audit a book or record of a public or private entity for that purpose.

SECTION ____ . Section 222.0745, Transportation Code, is amended to read as follows:

Sec. 222.0745. INCURRENCE OF DEBT BY PUBLIC ENTITY. (a) A public entity in this state, including a municipality, county, district, authority, agency, department, board, or commission, that is authorized by law to construct, maintain, or finance a qualified project may:

(1) borrow money from the bank, including by direct loan or through another form of financial assistance; and

(2) enter into an agreement that relates to receiving financial assistance from the bank ~~[, based on the credit of the public entity].~~

(b) Money received by a public entity under this subchapter ~~[borrowed under this section]~~ must be segregated from other funds under the control of the public entity and may only be used for purposes authorized by this subchapter ~~[related to a qualified project].~~

(c) To provide for the repayment of a loan or another form of financial assistance from the bank, a public entity may:

(1) pledge revenue or income from any available source;

(2) pledge, impose, or collect a tax that the entity is otherwise authorized to impose; or

(3) pledge any combination of revenue, income, or taxes.

(d) This section is wholly sufficient authority for a public entity to:

(1) borrow or otherwise obtain a form of financial assistance from the bank as authorized by this subchapter; and

(2) pledge revenue, income, or taxes or any combination of revenue, income, or taxes for the repayment of a loan or another form of financial assistance from the bank.

(e) The authority granted by this section does not affect the ability of a public entity to incur debt using other statutorily authorized methods.

SECTION _____. Sections 222.075(b), (f), (i), and (j), Transportation Code, are amended to read as follows:

(b) Except as provided by Subsection (c), the commission may:

(1) issue revenue bonds or revenue refunding bonds under this section without complying with any other law applicable to the issuance of bonds; and

(2) enter into a credit agreement related to the bonds.

(f) The commission may require participants to make charges, levy taxes, or otherwise provide for sufficient money to repay financial assistance provided from the bank, including any ~~pay~~ acquired obligations.

(i) Before the commission issues revenue bonds or enters into a credit agreement under this section, the commission shall submit a record of the ~~[All]~~ proceedings of the commission that authorize ~~[relating to]~~ the issuance, execution, and delivery of the ~~[revenue]~~ bonds or credit agreement and any contract that provides revenue or security to pay the bonds or credit agreement ~~[issued under this section shall be submitted]~~ to the attorney general for review ~~[examination]~~. If the attorney general finds that the proceedings authorizing the bonds or credit agreement and any bonds authorized by the proceedings conform to the requirements prescribed by the Texas Constitution and this subchapter ~~[On determining that the revenue bonds have been authorized in accordance with law]~~, the attorney general shall approve the proceedings and ~~[revenue]~~ bonds, and shall deliver to ~~[the revenue bonds shall be registered by]~~ the comptroller for registration a copy of the attorney general's legal opinion relating to the approval and a record of the proceedings. After approval by the attorney general, the bonds or credit agreement may be executed and delivered, exchanged, or refinanced in accordance with the authorization proceedings. After the approval and registration, the ~~[revenue]~~ bonds, credit agreement, or contract providing revenue or security included in or executed and delivered according to the authorization proceedings are incontestable in any court or other forum for any reason and are valid, ~~[and]~~ binding, and enforceable ~~[obligations]~~ in accordance with their terms for all purposes.

(j) The commission may use proceeds from the sale of revenue bonds to finance other funds or accounts relating to the bonds or credit agreement, including a debt service reserve fund, and to pay the cost of issuing the bonds. Any remaining ~~[The]~~ proceeds received from the sale of the ~~[revenue]~~ bonds shall be deposited in the bank and invested and used in the manner provided for other funds deposited under this subchapter.

SECTION _____. Section 222.076, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The commission may create, within a subaccount, one or more additional subaccounts.

SECTION _____. Section 222.077, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) If a form of financial assistance [Any funds disbursed through the state infrastructure bank] must be repaid, [on terms determined by] the commission shall determine the terms of the repayment, including the interest rate to be charged. The terms must comply with the federal act except for terms applicable to funds deposited in a subaccount described by Section 222.076(b).

(a-1) For a tolled highway improvement project, the commission may require that revenue from the project be shared between an entity and the department. The entity and the department may enter into an agreement specifying the terms of the revenue sharing.

(b) Notwithstanding any other law to the contrary:

(1) the repayment of a loan or other assistance provided with money deposited to the credit of a subaccount in the bank, including all amounts received as a share of revenue from a tolled highway improvement project, shall be deposited in that subaccount; and

(2) investment income generated by money deposited to the credit of a subaccount in the bank shall be:

(A) credited to that subaccount, subject to any requirement imposed by a proceeding that authorizes bonds to be issued to provide money for deposit in the bank that is necessary to protect the tax-exempt status of interest payable on the bonds in accordance with applicable federal law;

(B) available for use in providing financial assistance under this subchapter; and

(C) invested in United States Treasury securities, bank deposits, or other financing instruments approved by the United States secretary of transportation to earn interest and enhance the financing of projects assisted by the bank, except that proceeds from bonds deposited in the bank under Section 222.072 are subject to any limitations contained in a document that authorizes the issuance of the bonds.

SECTION _____. Subchapter D, Chapter 222, Transportation Code, is amended by adding Sections 222.078 and 222.079 to read as follows:

Sec. 222.078. SALE OF LOAN. (a) In this section, "loan" includes any financial assistance that must be repaid and any portion of that assistance.

(b) The commission may sell a loan made from money in the bank. The commission shall deposit the proceeds from the sale in the bank.

(c) The commission may submit to the attorney general for review and approval a financial assistance agreement related to a loan to be sold under this section, including a record of proceedings of the borrowing entity that relates to the agreement. The agreement shall be considered a public security for purposes of Chapter 1202, Government Code.

(d) If the attorney general approves an agreement under Subsection (c), the agreement is:

(1) incontestable in a court or other forum; and

(2) valid, binding, and enforceable according to the agreement's terms, as provided by Chapter 1202, Government Code.

(e) The commission shall sell a loan under this section using a competitive bidding process and at a price and under terms that the commission determines to be reasonable.

(f) As part of a sales agreement with a purchaser of a loan, the commission may agree to perform a function required to enforce a condition or requirement stated in the loan, including enforcing the payment of debt service by the borrowing entity.

(g) The commission may exercise any powers necessary to carry out the authority granted by this section, including the authority to contract with any person to accomplish the purposes of this section.

(h) The state and the commission are not liable for the repayment of and may not repay a loan sold under this section.

Sec. 222.079. SOVEREIGN IMMUNITY. A public entity that receives financial assistance under this subchapter waives sovereign immunity to suit for the purpose of adjudicating a claim for breach of a financial assistance agreement.

Floor Amendment No. 53

Amend Amendment No. 52 to **CSSB 1420** (82R21087) as follows:

Strike lines 8-12 on page 8 of the amendment, and substitute the following:

"(a-1) For a tolled highway improvement project, the revenue from a project may be shared between an entity and the department. The entity and the department may enter into an agreement specifying the terms of the revenue sharing.

Floor Amendment No. 54

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter F, Chapter 201, Transportation Code, is amended by adding Section 201.407 to read as follows:

Sec. 201.407. EMPLOYEE SAFETY AWARDS. Notwithstanding Section 2113.201, Government Code, the department may award a cash safety bonus of not more than \$200 to an employee who:

(1) is at or below salary group B16 of the position classification schedule;

(2) holds a position that is classified by the executive director as safety-sensitive;

(3) works on a roadway for more than 50 percent of the hours worked by the employee; and

(4) during the preceding six months:

(A) exhibited exemplary safety performance and achievement; and

(B) did not receive a safety bonus under this section.

Floor Amendment No. 55

Amend Floor Amendment No. 54 by Martinez to **CSSB 1420** (page 99 of the prefiled amendment packet) on page 1, line 8, between "\$200" and "to" by inserting "per year".

Floor Amendment No. 56

Amend **CSSB 1420** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 201.706, Transportation Code, is amended to read as follows:

Sec. 201.706. LOCAL GOVERNMENT ASSISTANCE. From appropriated funds, the department shall assist counties with materials to repair and maintain county roads. The department shall:

- (1) provide that the total annual value of assistance under this section is [~~+~~ ~~(A) at least \$12 million per year for fiscal years 1998 and 1999; and~~ ~~(B) at least \$18 [\$6] million [per year for a fiscal year other than 1998 or 1999];~~];
- (2) make maximum usage of surplus materials on hand;
- (3) develop rules and procedures to implement this section and to provide for the distribution of the assistance with preference given to counties with an above average number of overweight trucks receiving weight tolerance permits based on the previous year's permit totals; and
- (4) undertake cooperative and joint procurement of road materials with counties under procedures of the comptroller.

Floor Amendment No. 57

Amend Floor Amendment No. 56 to **CSSB 1420** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 201.706, Transportation Code, is amended to read as follows:

Sec. 201.706. LOCAL GOVERNMENT ASSISTANCE. From appropriated funds, the department shall assist counties with materials to repair and maintain county roads. The department shall:

- (1) provide that the total annual value of assistance under this section is [~~+~~ ~~(A) at least \$12 million per year for fiscal years 1998 and 1999; and~~ ~~(B) at least \$12 [\$6] million [per year for a fiscal year other than 1998 or 1999];~~];
- (2) make maximum usage of surplus materials on hand;
- (3) develop rules and procedures to implement this section and to provide for the distribution of the assistance with preference given to counties with an above average number of overweight trucks receiving weight tolerance permits based on the previous year's permit totals; and
- (4) undertake cooperative and joint procurement of road materials with counties under procedures of the comptroller.

Floor Amendment No. 58

Amend **CSSB 1420** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter I, Chapter 201, Transportation Code, is amended by adding Section 201.711 to read as follows:

Sec. 201.711. FUNDING REPORT. Not later than December 1 of each even-numbered year, the department shall prepare and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over appropriations, transportation, or state finance. The report must include:

(1) a list of viable funding sources for the department based on national and international surveys; and

(2) status updates on the practicality of and the technology available for implementing vehicle mileage fees.

Floor Amendment No. 59

Amend **CSSB 1420** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 222, Transportation Code, is amended by adding Section 222.005 to read as follows:

Sec. 222.005. USE OF EMERGING FUND MANAGERS FOR INVESTMENTS. (a) To the extent that the department may contract with private professional investment managers to manage or assist in managing the department's assets or otherwise acquire private financial services, the department shall make a good faith effort to award contracts to or acquire services from qualified emerging fund managers.

(b) For purposes of Subsection (a):

(1) "Emerging fund manager" means a private professional investment manager that manages assets of not more than \$5 billion.

(2) "Private financial services" includes pension fund management, consulting, investment advising, brokerage services, hedge fund management, private equity fund management, and real estate investment.

Floor Amendment No. 60

Amend Amendment No. 59 by Alonzo to **CSSB 1420** (page 144 of the prefiled amendments packet) on page 1, line 7 of the amendment, by striking "To" and substituting "At the department's discretion, and to".

Floor Amendment No. 61

Amend **CSSB 1420** by adding the following appropriately numbered new SECTIONS and renumbering subsequent SECTIONS appropriately:

SECTION _____. Section 222.105, Transportation Code, is amended to read as follows:

Sec. 222.105. PURPOSES. The purposes of Sections 222.106 and 222.107 are to:

- (1) promote public safety;
- (2) facilitate the improvement, development, or redevelopment of property;
- (3) facilitate the movement of traffic; and

(4) enhance a local entity's ability to sponsor a transportation project authorized under Section 222.104.

SECTION _____. Section 222.106, Transportation Code, is amended by amending Subsections (b), (c), (g), (h), (i), (j), (k), and (l) and adding Subsections (i-1) and (i-2) to read as follows:

(b) This section applies only to a municipality in which a transportation project is to be developed [the governing body of which intends to enter into an agreement with the department] under Section 222.104.

(c) If the governing body determines an area to be unproductive and underdeveloped and that action under this section will further the purposes stated in Section 222.105, the governing body of the municipality by ordinance may designate a contiguous geographic area in the jurisdiction of the municipality to be a transportation reinvestment zone to promote a transportation project [described by Section 222.104 that cultivates development or redevelopment of the area].

(g) The ordinance designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on passage of the ordinance;

(3) assign a name to the zone for identification, with the first zone designated by a municipality designated as "Transportation Reinvestment Zone Number One, (City or Town, as applicable) of (name of municipality)," and subsequently designated zones assigned names in the same form, numbered consecutively in the order of their designation;

(4) designate the base year for purposes of establishing the tax increment base of the municipality;

(5) establish an ad valorem tax increment account for the zone; and

(6) [(5)] contain findings that promotion of the transportation project will cultivate the improvement, development, or redevelopment of the zone.

(h) From taxes collected on property in a zone, the municipality shall pay into the tax increment account for the zone [an amount equal to] the tax increment produced by the municipality, less any amount allocated under previous agreements, including agreements under Chapter 380, Local Government Code, or Chapter 311, Tax Code.

(i) All or the portion specified by the municipality of the money deposited to a tax increment account must be used to fund the transportation project for which the zone was designated, as well as aesthetic improvements within the zone. Any remaining money deposited to the tax increment account may be used for other purposes as determined by the municipality [Money deposited to a tax increment account must be used to fund projects authorized under Section 222.104, including the repayment of amounts owed under an agreement entered into under that section].

(i-1) The governing body of a municipality may contract with a public or private entity to develop, redevelop, or improve a transportation project in a transportation reinvestment zone and may pledge and assign all or a specified amount of money in the tax increment account to that entity. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the

transportation project, the governing body of the municipality may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or discharged.

(i-2) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the tax increment account has been assigned or pledged directly by the municipality or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the governing body of the municipality complies with Subsections (e) and (g).

(j) Except as provided by Subsections (i-1) and [Subsection] (k), a transportation reinvestment zone terminates on December 31 of the year in which the municipality completes [complies with] a contractual requirement, if any, that included the pledge or assignment of all or a portion of money deposited to a tax increment account or the repayment of money owed under an [the] agreement for development, redevelopment, or improvement of the project for [under Section 222.104 in connection with] which the zone was designated.

(k) A transportation reinvestment zone terminates on December 31 of the 10th year after the year the zone was designated, if before that date the municipality has not entered into a contract described in Subsection (i-1) or otherwise not used the zone for the purpose for which it was designated.

(l) Any surplus remaining in a tax increment account on termination of a zone may be used for other purposes as determined by [transportation projects of] the municipality [in or outside of the zone].

SECTION _____. The heading to Section 222.107, Transportation Code, is amended to read as follows:

Sec. 222.107. COUNTY TRANSPORTATION REINVESTMENT ZONES[; TAX ABATEMENTS; ROAD UTILITY DISTRICTS].

SECTION _____. Section 222.107, Transportation Code, is amended by amending Subsections (b), (c), (e), (f), (h), (i), (k), and (l) and adding Subsections (h-1) and (k-1) to read as follows:

(b) This section applies only to a county in which a transportation project is to be developed [the commissioners court of which intends to enter into a pass-through toll agreement with the department] under Section 222.104.

(c) The commissioners court of the county, after determining that an area is unproductive and underdeveloped and that action under this section would further the purposes described by Section 222.105, by order or resolution may designate a contiguous geographic area in the jurisdiction of the county to be a transportation reinvestment zone to promote a transportation project [described by Section 222.104 that cultivates development or redevelopment of the area] and for the purpose of abating ad valorem taxes or granting other relief from taxes imposed by the county on real property located in the zone.

(e) Not later than the 30th day before the date the commissioners court proposes to designate an area as a transportation reinvestment zone under this section, the commissioners court must hold a public hearing on the creation of the zone, its benefits to the county and to property in the proposed zone, and the abatement of ad

valorem taxes or the grant of other relief from ad valorem taxes imposed by the county on real property located in the zone. At the hearing an interested person may speak for or against the designation of the zone, its boundaries, or the abatement of or the relief from county taxes on real property in the zone. Not later than the seventh day before the date of the hearing, notice of the hearing and the intent to create a zone must be published in a newspaper having general circulation in the county.

(f) The order or resolution designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on adoption of the order or resolution; [and]

(3) assign a name to the zone for identification, with the first zone designated by a county designated as "Transportation Reinvestment Zone Number One, County of (name of county)," and subsequently designated zones assigned names in the same form numbered consecutively in the order of their designation; and

(4) designate the base year for purposes of establishing the tax increment base of the county.

(h) The commissioners court by order or resolution may enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate all or a portion of the ad valorem taxes or to grant other relief from the taxes imposed by the county on the owner's property in an amount not to exceed the amount calculated under Subsection (a)(1) for that year. All abatements or other relief granted by the commissioners court in a transportation reinvestment zone must be equal in rate. In the alternative, the commissioners court by order or resolution may elect to abate a portion of the ad valorem taxes or otherwise grant relief from the taxes imposed by the county on all real property located in the zone. In any ad valorem tax year, the total amount of the taxes abated or the total amount of relief granted under this section may not exceed the amount calculated under Subsection (a)(1) for that year, less any amounts allocated under previous agreements, including agreements under Chapter 381, Local Government Code, or Chapter 312, Tax Code.

(h-1) To further the development of the transportation project for which the transportation reinvestment zone was designated, a county may assess all or part of the cost of the transportation project against property within the zone. The assessment against each property in the zone may be levied and payable in installments in the same manner as provided by Sections 372.016-372.018, Local Government Code, provided that the installments do not exceed the total amount of the tax abatement or other relief granted under Subsection (h). The county may elect to adopt and apply the provisions of Sections 372.015-372.020 and 372.023, Local Government Code, to the assessment of costs and Sections 372.024-372.030, Local Government Code, to the issuance of bonds by the county to pay the cost of a transportation project. The commissioners court of the county may contract with a public or private entity to develop, redevelop, or improve a transportation project in the transportation reinvestment zone, including aesthetic improvements, and may pledge and assign to that entity all or a specified amount of the revenue the county receives from installment payments of the assessments for the payment of the costs of that

transportation project. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the commissioners court of the county may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or discharged. Any amount received from installment payments of the assessments not pledged or assigned in connection with the transportation project may be used for other purposes associated with the transportation project or in the zone.

(i) In the alternative, to [To] assist the county in developing a transportation project [authorized under Section 222.104], if authorized by the commission under Chapter 441, a road utility district may be formed under that chapter that has the same boundaries as a transportation reinvestment zone created under this section.

(k) A road utility district formed as provided by Subsection (i) may enter into an agreement [with the county to assume the obligation, if any, of the county] to fund development of a project [under Section 222.104] or to repay funds owed to the department [under Section 222.104]. Any amount paid for this purpose is considered to be an operating expense of the district. Any taxes collected by the district that are not paid for this purpose may be used for any district purpose.

(k-1) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the assessment has been assigned or pledged directly by the county or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the commissioners court of the county complies with Subsections (e) and (f).

(l) Except as provided by Subsection (m), a tax abatement agreement entered into under Subsection (h), or an order or resolution on the abatement of taxes or the grant of relief from taxes under that subsection, terminates on December 31 of the year in which the county completes any contractual requirement that included the pledge or assignment of assessments [of money] collected under this section.

SECTION _____. Subchapter E, Chapter 222, Transportation Code, is amended by adding Sections 222.108 and 222.109 to read as follows:

Sec. 222.108. TRANSPORTATION REINVESTMENT ZONES FOR OTHER TRANSPORTATION PROJECTS. (a) Notwithstanding the requirement in Sections 222.106(b) and 222.107(b) that a transportation reinvestment zone be established in connection with a project under Section 222.104, a municipality or county may establish a transportation reinvestment zone for any transportation project. If all or part of the transportation project is subject to oversight by the department, at the option of the governing body of the municipality or county, the department, to the extent permitted by law, shall delegate full responsibility for the development, design, letting of bids, and construction of the project, including project inspection, to the municipality or county. After assuming responsibility for a project under this subsection, a municipality or county shall enter into an agreement with the department that prescribes:

- (1) the development process;
- (2) the roles and responsibilities of the parties; and

(3) the timelines for any required reviews or approvals.

(b) Any portion of a transportation project developed under Subsection (a) that is on the state highway system or is located in the state highway right-of-way must comply with applicable state and federal requirements and criteria for project development, design, and construction, unless the department grants an exception to the municipality or county.

(c) The development, design, and construction plans and specifications for the portions of a project described by Subsection (b) must be reviewed and approved by the department under the agreement entered into under Subsection (a).

(d) In this section, "transportation project" has the meaning assigned by Section 370.003.

Sec. 222.109. REDUCTION PROHIBITED. (a) A municipality or county may not be penalized with a reduction in traditional transportation funding because of the designation and use of a transportation reinvestment zone under this chapter. Any funding from the department committed to a project before the date that a transportation reinvestment zone is designated may not be reduced because the transportation reinvestment zone is designated in connection with that project.

(b) The department may not reduce any allocation of traditional transportation funding to any of its districts because a district contains a municipality or county that contains a transportation reinvestment zone designated under this chapter.

SECTION _____. Sections 222.106(h), (i), (j), (k), and (l) and 222.107(h), (i), (k), and (l), Transportation Code, as amended by this Act, and Sections 222.106(i-1) and (i-2), 222.107(h-1) and (k-1), 222.108, and 222.109, Transportation Code, as added by this Act, apply to a transportation reinvestment zone that is governed by those sections designated before the effective date of this Act.

Floor Amendment No. 62

Amend Floor Amendment 61 by Pickett (P. 155-164 of the pre-filed amendment packet) to **CSSB 1420** (house committee printing) on page 1, by striking the text beginning on line 4 through 10, line 13 and substitute the following:

SECTION _____. Section 222.105, Transportation Code, is amended to read as follows:

Sec. 222.105. PURPOSES. The purposes of Sections 222.106 and 222.107 are to:

- (1) promote public safety;
- (2) facilitate the improvement, development, or redevelopment of property;
- (3) facilitate the movement of traffic; and
- (4) enhance a local entity's ability to sponsor a transportation project

authorized under Section 222.104.

SECTION _____. Section 222.106, Transportation Code, is amended by amending Subsections (b), (c), (g), (h), (i), (j), (k), and (l) and adding Subsections (i-1) and (i-2) to read as follows:

(b) This section applies only to a municipality in which a transportation project is to be developed [~~the governing body of which intends to enter into an agreement with the department~~] under Section 222.104.

(c) If the governing body determines an area to be unproductive and underdeveloped and that action under this section will further the purposes stated in Section 222.105, the governing body of the municipality by ordinance may designate a contiguous geographic area in the jurisdiction of the municipality to be a transportation reinvestment zone to promote a transportation project ~~[described by Section 222.104 that cultivates development or redevelopment of the area].~~

(g) The ordinance designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on passage of the ordinance;

(3) assign a name to the zone for identification, with the first zone designated by a municipality designated as "Transportation Reinvestment Zone Number One, (City or Town, as applicable) of (name of municipality)," and subsequently designated zones assigned names in the same form, numbered consecutively in the order of their designation;

(4) designate the base year for purposes of establishing the tax increment base of the municipality;

(5) establish an ad valorem tax increment account for the zone; and

(6) ~~(5)~~ contain findings that promotion of the transportation project will cultivate the improvement, development, or redevelopment of the zone.

(h) From taxes collected on property in a zone, the municipality shall pay into the tax increment account for the zone ~~[an amount equal to]~~ the tax increment produced by the municipality, less any amount allocated under previous agreements, including agreements under Chapter 380, Local Government Code, or Chapter 311, Tax Code.

(i) All or the portion specified by the municipality of the money deposited to a tax increment account must be used to fund the transportation project for which the zone was designated, as well as aesthetic improvements within the zone. Any remaining money deposited to the tax increment account may be used for other purposes as determined by the municipality. ~~[Money deposited to a tax increment account must be used to fund projects authorized under Section 222.104, including the repayment of amounts owed under an agreement entered into under that section].~~

(i-1) The governing body of a municipality may contract with a public or private entity to develop, redevelop, or improve a transportation project in a transportation reinvestment zone and may pledge and assign all or a specified amount of money in the tax increment account to that entity. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the governing body of the municipality may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or discharged.

(i-2) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if

any part of the tax increment account has been assigned or pledged directly by the municipality or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the governing body of the municipality complies with Subsections (e) and (g).

(j) Except as provided by Subsections (i-1) and [Subsection] (k), a transportation reinvestment zone terminates on December 31 of the year in which the municipality completes [complies with] a contractual requirement, if any, that included the pledge or assignment of all or a portion of money deposited to a tax increment account or the repayment of money owed under an [the] agreement for development, redevelopment, or improvement of the project for [under Section 222.104 in connection with] which the zone was designated.

(k) A transportation reinvestment zone terminates on December 31 of the 10th year after the year the zone was designated, if before that date the municipality has not entered into a contract described in Subsection (i-1) or otherwise not used the zone for the purpose for which it was designated.

(l) Any surplus remaining in a tax increment account on termination of a zone may be used for other purposes as determined by [transportation projects of] the municipality [in or outside of the zone].

SECTION _____. The heading to Section 222.107, Transportation Code, is amended to read as follows:

~~Sec. 222.107. COUNTY TRANSPORTATION REINVESTMENT ZONES; TAX ABATEMENTS; ROAD UTILITY DISTRICTS].~~

SECTION 4. Section 222.107, Transportation Code, is amended by amending Subsections (b), (c), (e), (f), (h), (i), (k), and (l) and adding Subsections (h-1) and (k-1) to read as follows:

(b) This section applies only to a county in which a transportation project is to be developed [the commissioners court of which intends to enter into a pass through toll agreement with the department] under Section 222.104.

(c) The commissioners court of the county, after determining that an area is unproductive and underdeveloped and that action under this section would further the purposes described by Section 222.105, by order or resolution may designate a contiguous geographic area in the jurisdiction of the county to be a transportation reinvestment zone to promote a transportation project [described by Section 222.104 that cultivates development or redevelopment of the area] and for the purpose of abating ad valorem taxes or granting other relief from taxes imposed by the county on real property located in the zone.

(e) Not later than the 30th day before the date the commissioners court proposes to designate an area as a transportation reinvestment zone under this section, the commissioners court must hold a public hearing on the creation of the zone, its benefits to the county and to property in the proposed zone, and the abatement of ad valorem taxes or the grant of other relief from ad valorem taxes imposed by the county on real property located in the zone. At the hearing an interested person may speak for or against the designation of the zone, its boundaries, or the abatement of or the relief from county taxes on real property in the zone. Not later than the seventh day before the date of the hearing, notice of the hearing and the intent to create a zone must be published in a newspaper having general circulation in the county.

(f) The order or resolution designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on adoption of the order or resolution; ~~and~~

(3) assign a name to the zone for identification, with the first zone designated by a county designated as "Transportation Reinvestment Zone Number One, County of (name of county)," and subsequently designated zones assigned names in the same form numbered consecutively in the order of their designation; and

(4) designate the base year for purposes of establishing the tax increment base of the county.

(h) The commissioners court by order or resolution may enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate all or a portion of the ad valorem taxes or to grant other relief from the taxes imposed by the county on the owner's property in an amount not to exceed the amount calculated under Subsection (a)(1) for that year. All abatements or other relief granted by the commissioners court in a transportation reinvestment zone must be equal in rate. In the alternative, the commissioners court by order or resolution may elect to abate a portion of the ad valorem taxes or otherwise grant relief from the taxes imposed by the county on all real property located in the zone. In any ad valorem tax year, the total amount of the taxes abated or the total amount of relief granted under this section may not exceed the amount calculated under Subsection (a)(1) for that year, less any amounts allocated under previous agreements, including agreements under Chapter 381, Local Government Code, or Chapter 312, Tax Code.

(h-1) To further the development of the transportation project for which the transportation reinvestment zone was designated, a county may assess all or part of the cost of the transportation project against property within the zone. The assessment against each property in the zone may be levied and payable in installments in the same manner as provided by Sections 372.016-372.018, Local Government Code, provided that the installments do not exceed the total amount of the tax abatement or other relief granted under Subsection (h). The county may elect to adopt and apply the provisions of Sections 372.015-372.020 and 372.023, Local Government Code, to the assessment of costs and Sections 372.024-372.030, Local Government Code, to the issuance of bonds by the county to pay the cost of a transportation project. The commissioners court of the county may contract with a public or private entity to develop, redevelop, or improve a transportation project in the transportation reinvestment zone, including aesthetic improvements, and may pledge and assign to that entity all or a specified amount of the revenue the county receives from installment payments of the assessments for the payment of the costs of that transportation project. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the commissioners court of the county may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or

discharged. Any amount received from installment payments of the assessments not pledged or assigned in connection with the transportation project may be used for other purposes associated with the transportation project or in the zone.

(i) In the alternative, to [To] assist the county in developing a transportation project [authorized under Section 222.104], if authorized by the commission under Chapter 441, a road utility district may be formed under that chapter that has the same boundaries as a transportation reinvestment zone created under this section.

(k) A road utility district formed as provided by Subsection (i) may enter into an agreement [with the county to assume the obligation, if any, of the county] to fund development of a project [under Section 222.104] or to repay funds owed to the department [under Section 222.104]. Any amount paid for this purpose is considered to be an operating expense of the district. Any taxes collected by the district that are not paid for this purpose may be used for any district purpose.

(k-1) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the assessment has been assigned or pledged directly by the county or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the commissioners court of the county complies with Subsections (e) and (f).

(l) Except as provided by Subsection (m), a tax abatement agreement entered into under Subsection (h), or an order or resolution on the abatement of taxes or the grant of relief from taxes under that subsection, terminates on December 31 of the year in which the county completes any contractual requirement that included the pledge or assignment of assessments [of money] collected under this section.

SECTION ____ . Subchapter E, Chapter 222, Transportation Code, is amended by adding Sections 222.108 and 222.109 to read as follows:

Sec. 222.108. TRANSPORTATION REINVESTMENT ZONES FOR OTHER TRANSPORTATION PROJECTS. (a) Notwithstanding the requirement in Sections 222.106(b) and 222.107(b) that a transportation reinvestment zone be established in connection with a project under Section 222.104, a municipality or county may establish a transportation reinvestment zone for any transportation project. If all or part of the transportation project is subject to oversight by the department, at the option of the governing body of the municipality or county, the department, to the extent permitted by law, shall delegate full responsibility for the development, design, letting of bids, and construction of the project, including project inspection, to the municipality or county. After assuming responsibility for a project under this subsection, a municipality or county shall enter into an agreement with the department that prescribes:

- (1) the development process;
- (2) the roles and responsibilities of the parties; and
- (3) the timelines for any required reviews or approvals.

(b) Any portion of a transportation project developed under Subsection (a) that is on the state highway system or is located in the state highway right-of-way must comply with applicable state and federal requirements and criteria for project development, design, and construction, unless the department grants an exception to the municipality or county.

(c) The development, design, and construction plans and specifications for the portions of a project described by Subsection (b) must be reviewed and approved by the department under the agreement entered into under Subsection (a).

(d) In this section, "transportation project" has the meaning assigned by Section 370.003.

Sec. 222.109. REDUCTION PROHIBITED. (a) A municipality or county may not be penalized with a reduction in traditional transportation funding because of the designation and use of a transportation reinvestment zone under this chapter. Any funding from the department committed to a project before the date that a transportation reinvestment zone is designated may not be reduced because the transportation reinvestment zone is designated in connection with that project.

(b) The department may not reduce any allocation of traditional transportation funding to any of its districts because a district contains a municipality or county that contains a transportation reinvestment zone designated under this chapter.

SECTION ____. Sections 222.106(h), (i), (j), (k), and (l) and 222.107(h), (i), (k), and (l), Transportation Code, as amended by this Act, and Sections 222.106(i-1) and (i-2), 222.107(h-1) and (k-1), 222.108, and 222.109, Transportation Code, as added by this Act, apply to a transportation reinvestment zone that is governed by those sections designated before the effective date of this Act.

Floor Amendment No. 63

Amend **CSSB 1420** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.210 to read as follows:

Sec. 223.210. APPROVAL AND CERTIFICATION. A comprehensive development agreement entered into by the department or another governmental entity, including a facility agreement under a comprehensive development agreement, under which a private entity will operate a toll project or be entitled to receive revenue from the project must be:

(1) reviewed by the attorney general for legal sufficiency under Section 371.051 and signed by the attorney general, if approved;

(2) reviewed by the comptroller for financial viability and signed and certified by the comptroller, if approved; and

(3) signed by each member of the commission.

(b) Section 223.210, Transportation Code, as added by this section, applies only to a comprehensive development agreement entered into on or after the effective date of this Act.

Floor Amendment No. 64

Amend Amendment No. 63 by Kolkhorst to **CSSB 1420** (page 166 of the prefiled amendments packet) on page 1, line 15, between "comptroller" and "for", by inserting "and the Legislative Budget Board".

Floor Amendment No. 65

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 228.004, Transportation Code, is amended to read as follows:

Sec. 228.004. [~~PROMOTION OF~~] TOLL PROJECT INFORMATION. (a) The department may, notwithstanding Chapter 2113, Government Code:

(1) [;] engage in marketing, advertising, and other activities to provide information relating to:

(A) the status of pending or ongoing [promote the development and use of] toll projects; or

(B) the use and availability of toll tags or other toll-related resources available to the public; and

(2) [may] enter into contracts or agreements necessary to procure marketing, advertising, or informational [other promotional] services from outside service providers to provide the information described by Subdivision (1).

(b) This section does not authorize the department to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism or promoting or advocating for the benefits of toll roads.

(b) Section 228.004, Transportation Code, as amended by this section, applies only to a contract or agreement entered into or renewed under Section 228.004, Transportation Code, on or after the effective date of this Act. A contract or agreement entered into or renewed under Section 228.004, Transportation Code, before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Floor Amendment No. 66

Amend **CSSB 1420** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS accordingly:

SECTION _____. Subchapter Z, Chapter 311, Transportation Code, is amended by adding Section 311.905 to read as follows:

Sec. 311.905. NOTICE OF TRANSPORTATION USER'S FEE BY MUNICIPALITY. (a) A municipality that imposes a fee on the user of a benefited property equal to the prorated annual cost of the transportation system owned by the municipality that can reasonably be attributed to the benefited property must provide notice to the department and the user of the fee.

(b) The notice to the department shall be given to the executive director by any commercially acceptable form of business communication. The notice to the user required under Subsection (a) is adequate if the fee amount is stated on monthly billing statements to the user for metered utility service provided by the municipality to the user.

Floor Amendment No. 67

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 370.305, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

~~(a) [An authority may use a comprehensive development agreement with a private entity to construct, maintain, repair, operate, extend, or expand a transportation project.~~

~~[(b)]~~ A comprehensive development agreement is an agreement with a private entity that, at a minimum, provides for the design and construction of a transportation project and may also provide for the financing, acquisition, maintenance, or operation of a transportation project.

(b) Except as provided by Subsection (b-1), an authority may enter into a comprehensive development agreement with a private entity for the design and construction of a transportation project that may also provide for the financing of the project.

(b-1) Unless specifically authorized by the legislature, an authority may not enter into a comprehensive development agreement with a private entity for the design and construction of a transportation project if the comprehensive development agreement entitles the private entity:

(1) to an ownership or leasehold interest in the transportation project; or

(2) to the right to operate or retain revenue from the transportation project.

(b) Sections 370.305(d), (e), and (f), Transportation Code, are repealed.

(c) The changes in law made by Section 370.305, Transportation Code, as amended by this section, apply only to a comprehensive development agreement entered into on or after the effective date of this section. A comprehensive development agreement entered into before the effective date of this section is governed by the law in effect on that date, and that law is continued in effect for that purpose.

Floor Amendment No. 68

Amend Floor Amendment No. 67 by Phillips to **CSSB 1420** (house committee printing) on page 1 by striking lines 4-29 and on page 2 by striking lines 1-7 and substituting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 370.305, Transportation Code, is amended to read as follows:

~~(a) [An authority may use a comprehensive development agreement with a private entity to construct, maintain, repair, operate, extend, or expand a transportation project.~~

~~[(b)]~~ A comprehensive development agreement is an agreement with a private entity that, at a minimum, provides for the design and construction of a transportation project, that [and] may [also] provide for the financing, acquisition, maintenance, or operation of a transportation project, and that entitles the private entity to:

- (1) a leasehold interest in the transportation project; or
- (2) the right to operate or retain revenue from the operation of the transportation project.

~~(b)[(e)]~~ An authority may negotiate provisions relating to professional and consulting services provided in connection with a comprehensive development agreement.

~~(c)[(d)]~~ Except as provided by this chapter ~~Subsections (e) and (f), the authority to enter into comprehensive development agreements under this section expires on August 31, 2009.~~

~~(e) Subsection (d) does not apply to a comprehensive development agreement that does not grant a private entity right to finance a toll project or a comprehensive development agreement in connection with a project:~~

~~(1) that includes one or more managed lane facilities to be added to an existing controlled access highway;~~

~~(2) the major portion of which is located in a nonattainment or near nonattainment air quality area as designated by the United States Environmental Protection Agency; and~~

~~(3) for which the department has issued a request for qualifications before the effective date of this subsection.~~

~~(f) T[the] authority to enter into a comprehensive development agreement for a project exempted from Subsection (d) or Section 223.210(b) expires August 31, 2011.~~

SECTION ____ . Chapter 370, Transportation Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. DESIGN-BUILD CONTRACTS

Sec. 370.318. SCOPE OF AND LIMITATIONS ON CONTRACTS. (a) Notwithstanding the requirements of Chapter 2254, Government Code, an authority may use the design-build method for the design, construction, financing, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a transportation project.

(b) A design-build contract under this subchapter may not grant to a private entity:

- (1) a leasehold interest in the transportation project; or
- (2) the right to operate or retain revenue from the operation of the transportation project.

(c) In using the design-build method and in entering into a contract for the services of a design-build contractor, the authority and the design-build contractor shall follow the procedures and requirements of this subchapter.

(d) An authority may enter into not more than two design-build contracts for transportation projects in any fiscal year.

Sec. 370.319. DEFINITIONS. In this subchapter:

(1) "Design-build contractor" means a partnership, corporation, or other legal entity or team that includes an engineering firm and a construction contractor qualified to engage in the construction of transportation projects in this state.

(2) "Design-build method" means a project delivery method by which an entity contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility.

Sec. 370.320. USE OF ENGINEER OR ENGINEERING FIRM. (a) To act as an authority's representative, independent of a design-build contractor, for the procurement process and for the duration of the work on a transportation project, an authority shall select or designate:

(1) an engineer;

(2) a qualified firm, selected in accordance with Section 2254.004, Government Code, who is independent of the design-build contractor; or

(3) a general engineering consultant that was previously selected by an authority and is selected or designated in accordance with Section 2254.004, Government Code.

(b) The selected or designated engineer or firm has full responsibility for complying with Chapter 1001, Occupations Code.

Sec. 370.321. OTHER PROFESSIONAL SERVICES. (a) An authority shall provide or contract for, independently of the design-build firm, the following services as necessary for the acceptance of the transportation project by the authority:

(1) inspection services;

(2) construction materials engineering and testing; and

(3) verification testing services.

(b) An authority shall ensure that the engineering services contracted for under this section are selected based on demonstrated competence and qualifications.

(c) This section does not preclude the design-build contractor from providing construction quality assurance and quality control under a design-build contract.

Sec. 370.322. REQUEST FOR QUALIFICATIONS. (a) For any transportation project to be delivered through the design-build method, an authority must prepare and issue a request for qualifications. A request for qualifications must include:

(1) information regarding the proposed project's location, scope, and limits;

(2) information regarding funding that may be available for the project and a description of the financing to be requested from the design-build contractor, as applicable;

(3) criteria that will be used to evaluate the proposals, which must include a proposer's qualifications, experience, technical competence, and ability to develop the project;

(4) the relative weight to be given to the criteria; and

(5) the deadline by which proposals must be received by the authority.

(b) An authority shall publish notice advertising the issuance of a request for qualifications in the Texas Register and on an Internet website maintained by the authority.

(c) An authority shall evaluate each qualifications statement received in response to a request for qualifications based on the criteria identified in the request. An authority may interview responding proposers. Based on the authority's evaluation of qualifications statements and interviews, if any, an authority shall qualify or short-list proposers to submit detailed proposals.

(d) An authority shall qualify or short-list at least two, but no more than five, firms to submit detailed proposals under Section 370.323. If an authority receives only one responsive proposal to a request for qualifications, the authority shall terminate the procurement.

(e) An authority may withdraw a request for qualifications or request for detailed proposals at any time.

Sec. 370.323. REQUEST FOR DETAILED PROPOSALS. (a) An authority shall issue a request for detailed proposals to proposers short-listed under Section 370.322. A request for detailed proposals must include:

(1) information on the overall project goals;
(2) the authority's cost estimates for the design-build portion of the work;
(3) materials specifications;
(4) special material requirements;
(5) a schematic design approximately 30 percent complete;
(6) known utilities, provided that an authority is not required to undertake an effort to locate utilities;

(7) quality assurance and quality control requirements;
(8) the location of relevant structures;
(9) notice of any rules or goals adopted by the authority pursuant to Section 370.183 relating to awarding contracts to disadvantaged businesses;

(10) available geotechnical or other information related to the project;
(11) the status of any environmental review of the project;
(12) detailed instructions for preparing the technical proposal required under Subsection (c), including a description of the form and level of completeness of drawings expected;

(13) the relative weighting of the technical and cost proposals required under Subsection (c) and the formula by which the proposals will be evaluated and ranked, provided that the formula shall allocate at least 70 percent of the weighting to the cost proposal; and

(14) the criteria and weighting for each element of the technical proposal.

(b) A request for detailed proposals shall also include a general form of the design-build contract that the authority proposes if the terms of the contract may be modified as a result of negotiations prior to contract execution.

(c) Each response to a request for detailed proposals must include a sealed technical proposal and a separate sealed cost proposal.

(d) The technical proposal must address:

(1) the proposer's qualifications and demonstrated technical competence, provided that the proposer shall not be requested to re-submit any information that was submitted and evaluated pursuant to Section 370.322(a)(3);

(2) the feasibility of developing the project as proposed, including identification of anticipated problems;

- (3) the proposed solutions to anticipated problems;
- (4) the ability of the proposer to meet schedules;
- (5) the conceptual engineering design proposed; and
- (6) any other information requested by the authority.

(e) An authority may provide for the submission of alternative technical concepts by a proposer. If an authority provides for the submission of alternative technical concepts, the authority must prescribe a process for notifying a proposer whether the proposer's alternative technical concepts are approved for inclusion in a technical proposal.

(f) The cost proposal must include:

- (1) the cost of delivering the project;
- (2) the estimated number of days required to complete the project; and
- (3) any terms for financing for the project that the proposer plans to provide.

(g) A response to a request for detailed proposals shall be due not later than the 180th day after the final request for detailed proposals is issued by the authority. This subsection does not preclude the release by the authority of a draft request for detailed proposals for purposes of receiving input from short-listed proposers.

(h) An authority shall first open, evaluate, and score each responsive technical proposal submitted on the basis of the criteria described in the request for detailed proposals and assign points on the basis of the weighting specified in the request for detailed proposals. The authority may reject as nonresponsive any proposer that makes a significant change to the composition of its design-build team as initially submitted that was not approved by the authority as provided in the request for detailed proposals. The authority shall subsequently open, evaluate, and score the cost proposals from proposers that submitted a responsive technical proposal and assign points on the basis of the weighting specified in the request for detailed proposals. The authority shall rank the proposers in accordance with the formula provided in the request for detailed proposals.

Sec. 370.324. NEGOTIATION. (a) After ranking the proposers under Section 370.323(h), an authority shall first attempt to negotiate a contract with the highest ranked proposer. If an authority has committed to paying a stipend to unsuccessful proposers in accordance with Section 370.326, an authority may include in the negotiations alternative technical concepts proposed by other proposers.

(b) If an authority is unable to negotiate a satisfactory contract with the highest ranked proposer, the authority shall, formally and in writing, end all negotiations with that proposer and proceed to negotiate with the next proposer in the order of the selection ranking until a contract is reached or negotiations with all ranked proposers end.

Sec. 370.325. ASSUMPTION OF RISKS. (a) Unless otherwise provided in the final request for detailed proposals, including all addenda and supplements thereto, the authority shall assume:

(1) all risks and costs associated with:

(A) scope changes and modifications, as requested by the authority;

(B) unknown or differing site conditions;

(C) environmental clearance and other regulatory permitting for the

project;

(D) natural disasters and other force majeure events; and

(2) all costs associated with property acquisition, excluding costs associated with acquiring a temporary easement or work area associated with staging or construction for the project.

(b) Nothing herein shall prevent the parties from agreeing that the design-build contractor should assume some or all of the risks or costs set forth in subsection (a) provided that such agreement is reflected in the final request for detailed proposals, including all addenda and supplements thereto.

Sec. 370.326. STIPEND AMOUNT FOR UNSUCCESSFUL PROPOSERS. (a) Pursuant to the provisions of the request for detailed proposals, an authority shall pay an unsuccessful proposer that submits a responsive proposal to the request for detailed proposals a stipend for work product contained in the proposal. The stipend must be specified in the initial request for detailed proposals in an amount of at least two tenths of one percent of the contract amount, but may not exceed the value of the work product contained in the proposal to the authority. In the event the authority determines that the value of the work product is less than the stipend amount the authority must provide the proposer with a detailed explanation of the valuation, including the methodology and assumptions used in determining value. After payment of the stipend, the authority may make use of any work product contained in the unsuccessful proposal, including the techniques, methods, processes, and information contained in the proposal. The use by the authority of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the authority and does not confer liability on the recipient of the stipend under this subsection.

(b) An authority may provide in a request for detailed proposals for the payment of a partial stipend in the event a procurement is terminated prior to securing project financing and execution of a design-build contract.

Sec. 370.327. PERFORMANCE OR PAYMENT BOND. (a) Notwithstanding the requirements of Subchapter B, Chapter 2253, Government Code, an authority shall require a design-build contractor to provide a performance and payment bond or an alternative form of security or a combination of forms of security.

(b) A performance and payment bond or alternative form of security shall be in an amount equal to the cost of constructing or maintaining the project.

(c) A payment or performance bond is not required for the portion of a design-build contract under this section that includes design services only.

(d) In addition to performance and payment bonds, an authority may require the following alternative forms of security:

(1) a cashier's check drawn on a financial entity specified by the authority;

(2) a United States bond or note;

(3) an irrevocable bank letter of credit drawn from a National or Texas chartered bank; or

(4) any other form of security determined suitable by the authority.

SECTION ____. Section 370.314, Transportation Code, is repealed.

Floor Amendment No. 71

Amend **CSSB 1420** as follows:

SECTION 6.04, Subchapter D, Chapter 391, Section 391.099, Transportation Code, is amended to read as follows:

(c) Except as provided by Subsection (f), the commission shall:

(1) regulate the content, composition, design, placement, erection, and maintenance of tourist-oriented directional signs and supports on eligible highway rights-of-way and ensure signs are placed in designated areas no more than 90 days after the eligible facility signs a contract;

(2) in lieu of a tourist-oriented directional sign, direct the department to erect General Service signs upon request of owners of recreational vehicle or camping areas;

(3) create rules as to the viable alternatives to the current tourist-oriented directional sign program pricing methodology of total traffic counts to include, but not limited to, actual visitor counts or cost plus maintenance fees of the sign; and,

(4) adopts rules necessary to administer and enforce this section.

Floor Amendment No. 72

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The heading to Section 545.157, Transportation Code, is amended to read as follows:

Sec. 545.157. PASSING AUTHORIZED EMERGENCY VEHICLE OR DEPARTMENT VEHICLE.

(b) Section 545.157, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) On approaching a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702 or a department vehicle that is using visual signals described by Section 547.305 and is not separated from the roadway by a traffic control channelizing device, an operator, unless otherwise directed by a police officer, shall:

(1) vacate the lane closest to the emergency vehicle or department vehicle when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle or department vehicle; or

(2) slow to a speed not to exceed:

(A) 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more; or

(B) five miles per hour when the posted speed limit is less than 25 miles per hour.

(b) A violation of this section is:

(1) a misdemeanor punishable under Section 542.401;

(2) a misdemeanor punishable by a fine of \$500 if the violation results in property damage; [ø]

(3) a Class B misdemeanor if the violation results in bodily injury; or

(4) a felony of the third degree if the violation results in serious bodily injury or death.

(d) In this section:

(1) "Department vehicle" means a vehicle owned or operated by the Texas Department of Transportation.

(2) "Traffic control channelizing device" means equipment used to warn and alert an operator of conditions created by work activities in or near the traveled part of a highway, to protect workers in a temporary traffic control zone, or to safely guide operators and pedestrians. The term includes a traffic cone, tubular marker, vertical panel, drum, barricade, temporary raised island, concrete or cable barrier, or guardrail.

(c) The changes in law made by Section 545.157, Transportation Code, as amended by this section, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Floor Amendment No. 73

Amend Amendment No. 72 by Martinez to **CSSB 1420** (page 194, prefiled floor amendment packet) as follows:

(1) On page 1, line 6, between "VEHICLE" and "OR" insert " , TOW TRUCK,".

(2) On page 1, line 13, between "547.702" and "or", insert " , a stationary tow truck using equipment authorized by Section 347.305(d),".

(3) On page 1, line 18, immediately before "or department" insert " , tow truck,".

(4) On page 1, line 19, between "vehicle" and "or" insert " , tow truck,".

(5) On page 2, between lines 7 and 8, insert the following:

(2) "Tow truck" means a vehicle that:

(A) has been issued a permit under Subchapter C, Chapter 2308, Occupations Code; and

(B) is operated by a person licensed under Subchapter D, Chapter 2308, Occupations Code.

(6) On page 2, line 8, strike "(2)" and substitute "(3)".

Floor Amendment No. 74

Amend **CSSB 1420** (house committee printing) by adding the following SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Chapter 707, Transportation Code, is amended by adding Section 707.0035 to read as follows:

Sec. 707.0035. DEPARTMENT APPROVAL. (a) A local authority may not install a photographic traffic signal enforcement system at an intersection approach located on a state highway under the jurisdiction of the Texas Department of Transportation unless the department, after notice and a public hearing, approves the installation of the system.

(b) The department may not approve the installation of a photographic traffic signal enforcement system under Subsection (a) in a municipality with a population of less than 40,000.

Floor Amendment No. 75

Amend **CSSB 1420** by adding the appropriately numbered section to read as follows:

SECTION _____. PRESIDIO INTERNATIONAL BRIDGE. Upon verification that the County of Presidio and the City of Presidio have obtained the appropriate financing, the Department shall sell and convey the Presidio International Bridge to the City and County of Presidio at cost. Such sale shall be expeditiously handled in accordance with applicable state and federal laws. The Department may maintain up to a 10% minority share of ownership so long as such ownership does not preclude the City and County from charging a toll for use of the bridge by passenger, commercial, pedestrian or other traffic.

Floor Amendment No. 76

Amend **CSSB 1420** by adding the appropriately numbered section to read as follows:

SECTION _____. REPRESENTATIVE RICHARD C. SLACK BRIDGE.
(a) The Presidio International Bridge is designated as the Representative Richard C. Slack Bridge.

(b) The department shall erect markers indicating the designation of the bridge as the Representative Richard C. Slack Bridge, and any other appropriate information at appropriate locations on or along the bridge.

(c) Section 225.021(c) does not apply to this section.

Floor Amendment No. 77

Amend Amendment No. 76 by Gallego to **CSSB 1420** (page 199 of the prefiled amendments packet) by adding the following at the end of the amendment:

(d) Notwithstanding Subsection (b), the department is not required to design or erect a marker under this section unless a grant or donation of private funds is made to the department to cover the cost of designing and erecting the marker.

Floor Amendment No. 78

Amend **CSSB 1420** by adding the appropriately numbered section to read as follows:

SECTION _____. Hilary B. Doran Jr. Building. The Texas Department of Transportation Building located in Val Verde County shall be known as the Hilary B. Doran Building.

Floor Amendment No. 80

Amend **CSSB 1420** (house committee printing) as follows:

(1) On page 22, line 20, between "bridges" and ",", insert "and overpasses".

(2) On page 22, line 23, strike "and".

(3) On page 22, line 24, after "scores;" insert "and".

(4) On page 22, between lines 24 and 25, insert the following:

(C) the height of guardrails on bridges and overpasses and information about the number of accidents, injuries, and fatalities resulting from guardrail failure.

Floor Amendment No. 81

Amend Floor Amendment No. 80 by Castro to **CSSB 1420** (amendment packet, page 89) on page 1 by striking lines 1-10, and substituting the following:

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTION to the bill, and renumber subsequent SECTIONS accordingly:

SECTION ____. The Texas Department of Transportation shall conduct a study of best practices for retrofitting rail on bridges and overpasses that includes information about the number of accidents, injuries, and fatalities resulting from rail failure, and shall submit the study to the Legislature by September 30, 2012.

Floor Amendment No. 83

Amend **CSSB 1420** (house committee report) by striking page 10, line 9, through page 12, line 6 and substituting the following:

Sec. 201.451. DEFINITIONS. In this subchapter:

(1) "Fraud" has the meaning assigned by Section 531.1011, Government Code.

(2) "Inspector general" means the person appointed under this subchapter to serve as inspector general for the department.

(3) "Office" means the office of inspector general for the department.

(4) "Review" includes an inspection, investigation, audit, or similar activity.

(5) "State funds" or "state money" includes federal funds or money received and appropriated by the state or for which the state has oversight responsibility.

Sec. 201.452. ESTABLISHMENT OF OFFICE. (a) The department shall establish an office of inspector general.

(b) The office is governed by the inspector general for the department.

(c) The inspector general shall:

(1) manage daily operations of the office;

(2) supervise office staff;

(3) create office operating procedures, personnel policies, and employment policies;

(4) allocate resources in the office;

(5) oversee office information resources systems;

(6) determine the location of office facilities; and

(7) coordinate office activities with the activities of other state agencies.

(d) The inspector general is responsible for office procurement and contracts.

Sec. 201.453. INDEPENDENCE OF OFFICE. Except as otherwise provided by this subchapter, the office and inspector general operate independently of the department.

Sec. 201.454. ADMINISTRATIVE ATTACHMENT. The office is administratively attached to the department. The department shall provide to the office administrative support services.

Sec. 201.455. SERVICE LEVEL AGREEMENT. (a) The department and the office shall enter into a service level agreement that establishes the performance standards and deliverables with regard to administrative support by the department.

(b) The service level agreement must be reviewed at least annually to ensure that services and deliverables are provided in accordance with the agreement.

Sec. 201.456. APPROPRIATIONS AND BUDGET. (a) The inspector general shall submit a budget for the office in accordance with the reporting requirements of the General Appropriations Act.

(b) The inspector general shall submit to the Legislative Budget Board and the department a legislative appropriations request and an operating budget in accordance with the service level agreement entered into under Section 201.455 and applicable law.

(c) If required by or under law, the department shall submit the operating budget to the legislature. The budget is not subject to review, alteration, or modification by the department or the commission before submission to the legislature.

Sec. 201.457. DUTIES OF DEPARTMENT. (a) The department shall:

(1) provide administrative assistance to the office; and

(2) coordinate administrative responsibilities with the office to avoid unnecessary duplication of duties.

(b) The department may not take an action that affects or relates to the validity, status, or terms of an interagency agreement or a contract to which the office is a party without the office's approval.

Sec. 201.458. APPOINTMENT; STATE OFFICER. (a) The commission shall appoint an inspector general to serve as director of the office.

(b) The appointment shall be made without regard to political affiliation, race, color, disability, sex, religion, age, or national origin.

(c) In making the appointment, the commission shall consider the person's integrity, education, training, knowledge of law, experience in the enforcement of law, executive ability, capability for strong leadership, and demonstrated ability in accounting, auditing, financial analysis, management analysis, public administration, investigation, criminal justice administration, or other closely related fields.

(d) The inspector general is a state officer.

Sec. 201.459. TERM. The inspector general serves a two-year term that expires on February 1 of each odd-numbered year.

Sec. 201.460. ELIGIBILITY. (a) To be eligible for appointment as inspector general, a person must:

(1) have unquestioned integrity and moral character;

(2) hold a bachelor's degree;

(3) have either:

(A) at least five years of experience as a certified public accountant, certified internal auditor, or certified inspector general; or

(B) a peace officer certification issued by the Commission on Law Enforcement Officer Standards and Education that the person has held for at least five years; and

(4) have either:

(A) at least five years of experience in a professional or administrative position that included as a major duty fiscal management, the review of fiscal management, or the auditing or review of operational efficiency or program performance; or

(B) experience carrying out law enforcement duties to prevent fraud, waste, and abuse.

(b) The person appointed as inspector general must obtain certification as a certified inspector general within the time required by rules adopted by the commission.

(c) A person formerly employed by the department as an executive or manager may not serve as inspector general before the fifth anniversary of the date of the termination of that person's employment with the department.

(d) A person is not eligible for appointment as inspector general if the person or the person's spouse:

(1) is an officer or paid consultant of a business entity or other organization that holds a license, certificate of authority, or other authorization from the department or that receives funds from the department;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the department; or

(3) uses or receives a substantial amount of tangible goods or funds from the department, other than compensation or reimbursement authorized by law.

(e) A person is not eligible to serve as inspector general if the person or the person's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the person's or spouse's activities for compensation related to the operation of the department.

Sec. 201.461. CONFLICT OF INTEREST. (a) The inspector general may not serve as an ex officio member on the governing body of a governmental entity.

(b) The inspector general may not have a financial interest in the transactions of the office, the department, or a contractor with the department or office.

(c) The inspector general and office staff may not participate in partisan political activities related to the work of the inspector general's office. The inspector general may select the most efficient personnel available for each position in the inspector general's office. It is against the public policy of this state for an officer or employee of this state to recommend a person to serve on the staff of the inspector general.

Sec. 201.462. PEACE OFFICERS. (a) The office may employ and commission peace officers to assist the inspector general in carrying out the duties of the office relating to detection, investigation, and prevention of fraud, waste, and abuse in department programs or in programs receiving state or federal funds that are implemented, administered, or overseen by or for the department.

(b) A commissioned peace officer or otherwise designated law enforcement officer employed by the office is not entitled to supplemental benefits from the law enforcement and custodial officer supplemental retirement fund unless the officer transfers from a position, without a break in service, that qualifies for supplemental retirement benefits from the fund.

Sec. 201.463. EXPERTS. Subject to the availability of funds, the inspector general may contract with certified public accountants, qualified management consultants, or other professional experts as necessary to independently perform the functions of the office.

Sec. 201.464. EMPLOYEES; TRAINING. (a) The inspector general may employ personnel as necessary to implement the duties of the office.

(b) The inspector general shall train office personnel to pursue, efficiently and as necessary, fraud, waste, and abuse cases in department programs or other state or federally funded programs implemented, administered, or overseen by or for the department.

Sec. 201.465. ASSISTANCE BY DEPARTMENT EMPLOYEES. The inspector general may require employees of the department to provide assistance to the office in connection with the office's duties relating to conducting reviews of fraud, waste, and abuse in the provision of services for department programs or state or federally funded programs implemented, administered, or overseen by or for the department.

Sec. 201.466. GENERAL RESPONSIBILITIES. The office is responsible for:

(1) conducting reviews of fraud, waste, and abuse in the provision or funding of services by or for the department or under a program implemented, administered, or overseen by or for the department;

(2) the enforcement of state law and the protection of the public relating to the provision of those services; and

(3) the prevention and detection of crime relating to the provision of those services.

Sec. 201.467. RULEMAKING BY INSPECTOR GENERAL. (a) Notwithstanding Section 201.101 and any other law, the inspector general shall adopt the rules necessary to administer the functions of the office, including rules to address the imposition of sanctions and penalties for violations and due process requirements for imposing sanctions and penalties.

(b) A rule, standard, or form of the department that is necessary to accomplish the duties of the office is considered to also be a rule, standard, or form of the office and remains in effect as a rule, standard, or form of the office until changed by the inspector general.

(c) The office shall submit proposed rules and adopted rules to the department for publication. The department shall promptly provide for the publication of the proposed or adopted rules in accordance with law. The department, including the commission, may not amend or modify a rule submitted by the office.

(d) The rules must include standards for the office that emphasize:

(1) coordinating reviews and investigative efforts to aggressively recover money;

(2) allocating resources to cases that have the strongest supportive evidence and the greatest potential for recovery of money; and

(3) maximizing opportunities for referral of cases to the office of attorney general.

Sec. 201.468. PUBLIC INTEREST INFORMATION AND COMPLAINTS.

(a) The office shall develop and implement policies that provide the public a reasonable opportunity to appear before the office and to speak on any issue under the office's jurisdiction.

(b) The office shall prepare information of public interest describing the functions of the office and the office's procedures by which complaints are filed with and resolved by the office. The office shall make the information available to the public and appropriate state agencies.

(c) The office shall keep an information file about each complaint filed with the office relating to the department or an entity receiving state or federal money and falling under the investigatory jurisdiction of the office.

Sec. 201.469. REVIEW, INVESTIGATION, AND AUDIT AUTHORITY. (a) The inspector general may review any activity or operation of the department or a person in this state that is related to the investigation, detection, or prevention of fraud, waste, abuse, or employee misconduct in a department program or state or federally funded program implemented, administered, or overseen by or for the department. A review may include an investigation or other inquiry into a specific act or allegation of, or a specific financial transaction or practice that may involve, impropriety, malfeasance, or nonfeasance in the obligation, spending, receipt, or other use of state or federal money.

(b) The office shall conduct reviews to protect the public and detect and prevent fraud, waste, and abuse in the provision or funding of services or programs.

(c) The office shall conduct internal affairs investigations in instances of suspected fraud, waste, and abuse and in instances of suspected misconduct by employees, contractors, subcontractors, and vendors.

(d) The department or the commission may not impair or prohibit the inspector general from initiating or completing a review, or attempt to influence the inspector general in conducting a review.

(e) The inspector general may review the use and effectiveness of state or federal funds, including contract and grant funds, administered by a person receiving the funds in connection with a department or state or federally funded program implemented, administered, or overseen by or for the department.

Sec. 201.470. INITIATION OF REVIEW. The inspector general may initiate a review:

- (1) on the inspector general's own initiative;
- (2) at the request of the department or the commission; or
- (3) based on a complaint from any source concerning a matter described by

Section 201.469.

Sec. 201.471. ACCESS TO INFORMATION. To further a review conducted by the office, the inspector general is entitled to access all books, records, accounts, documents, reports, vouchers, databases, systems, or other information, including confidential information, electronic data, and internal records relevant to the functions of the office that are maintained by or for a person or the department in connection with a department or a state or federally funded program implemented, administered, or overseen by or for the department.

Sec. 201.472. COOPERATION REQUIRED. To further a review conducted by the inspector general's office, the inspector general is entitled to full and unrestricted access to all offices, limited access or restricted areas, employees, equipment, and computers, including areas, equipment, and computers that contain confidential information and internal records, relevant to the functions of the office that are maintained by or for a person or the department in connection with a department or a state or federally funded program implemented, administered, or overseen by or for the department.

Sec. 201.473. SUBPOENAS. (a) The inspector general may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence in connection with a review conducted under this subchapter.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the inspector general, acting through the attorney general, may file suit to enforce the subpoena in a district court in this state.

(d) On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may hold in contempt a person who fails to obey the court order.

(e) The reimbursement of the expenses of a witness whose attendance is compelled under this section is governed by Section 2001.103, Government Code.

Sec. 201.474. INTERNAL AUDITOR. (a) In this section, "internal auditor" means a person appointed under Section 201.108.

(b) The internal auditor shall provide the inspector general with a copy of the department's internal audit plan to:

(1) assist in the coordination of efforts between the inspector general and the internal auditor; and

(2) limit duplication of effort regarding reviews by the inspector general and internal auditor.

(c) The internal auditor shall provide to the inspector general all final audit reports concerning audits of any:

(1) division of the department;

(2) contract, procurement, or grant; and

(3) program conducted by the department.

Sec. 201.475. COOPERATION WITH LAW ENFORCEMENT OFFICIALS AND OTHER ENTITIES. (a) The inspector general may provide information and evidence relating to criminal acts to the state auditor's office and appropriate law enforcement officials.

(b) The inspector general may refer matters for further civil, criminal, and administrative action to appropriate administrative and prosecutorial agencies, including the attorney general.

(c) The inspector general may enter into a memorandum of understanding with a law enforcement or prosecutorial agency, including the office of the attorney general, to assist in conducting a review under this subchapter.

Sec. 201.476. COOPERATION AND COORDINATION WITH STATE AUDITOR. (a) The state auditor may, on request of the inspector general, provide appropriate information or other assistance to the inspector general or office, as determined by the state auditor.

(b) The inspector general may meet with the state auditor's office to coordinate a review conducted under this subchapter, share information, or schedule work plans.

(c) The state auditor is entitled to access all information maintained by the inspector general, including vouchers, electronic data, internal records, and information obtained under Section 201.471 or subject to Section 201.482.

(d) Any information obtained or provided by the state auditor under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 201.477. AUTHORITY OF STATE AUDITOR AND SUNSET ADVISORY COMMISSION NOT IMPAIRED. (a) This subchapter does not take precedence over the authority of the state auditor to conduct an audit under Chapter 321, Government Code, or other law.

(b) This subchapter does not take precedence over the authority of the Sunset Advisory Commission or other legislative bodies to review the department under other law.

Sec. 201.478. PREVENTION. (a) The inspector general may recommend to the department policies on:

(1) promoting economical and efficient administration of state or federal funds administered by an individual or entity that received the funds from the department; and

(2) preventing and detecting fraud, waste, and abuse in the administration of those funds.

(b) The inspector general may provide training or other education regarding the prevention of fraud, waste, or abuse to employees of the department. The training or education provided must be approved by the commission.

Sec. 201.479. PERIODIC REPORTING TO STATE AUDITOR AND COMMISSION REQUIRED. The inspector general shall timely inform the state auditor and the commission of the initiation of a review of a department program and the ongoing status of each review.

Sec. 201.480. REPORTING OFFICE FINDINGS. The inspector general shall report the findings of the office for any review conducted under this subchapter to:

(1) the commission;

(2) the governor;

(3) the lieutenant governor;

(4) the speaker of the house of representatives;

(5) the state auditor's office; and

(6) appropriate law enforcement and prosecutorial agencies, including the office of the attorney general, if the findings suggest the probability of criminal conduct.

Sec. 201.481. FLAGRANT VIOLATIONS; IMMEDIATE REPORT. The inspector general shall immediately report to the commission, the governor's general counsel, and the state auditor a problem that the inspector general determines is particularly serious or flagrant and that relates to the administration of a program, operation of the department, or interference with an inspector general review.

Sec. 201.482. INFORMATION CONFIDENTIAL. (a) Except as provided by this section and Sections 201.479, 201.480, 201.483, and 201.484, all information and material compiled or maintained by the inspector general during a review under this subchapter is:

(1) confidential and not subject to disclosure under Chapter 552, Government Code; and

(2) not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release to anyone other than the state auditor's office, the department, or the office or its agents involved in the review related to that information or material.

(b) As the inspector general determines appropriate based on evidence sufficient to support an allegation, information relating to a review may be disclosed to:

- (1) a law enforcement agency;
- (2) a district or county attorney with jurisdiction;
- (3) the attorney general's office;
- (4) the state auditor's office; or
- (5) the department.

(c) A person that receives information under Subsection (b) may not disclose the information except to the extent that disclosure is consistent with the authorized purpose for which the person first obtained the information.

Sec. 201.483. DRAFT OF FINAL REVIEW REPORT; DEPARTMENT RESPONSE. (a) Except in cases in which the office has determined that fraud, waste, or abuse exists, the office shall provide a draft of the final review report of any review of the operations of the department to the director before publishing the office's final review report.

(b) The director may provide a response to the office's draft report in the manner prescribed by the office not later than the 10th day after the date the draft report is received by the director. The inspector general by rule shall specify the format and requirements of the department response.

(c) Notwithstanding Subsection (a), the office may not provide a draft report to the director if in the inspector general's opinion providing the draft report could negatively affect any anticipated civil or criminal proceedings.

(d) The office may include any portion of the department's response in the office's final report.

Sec. 201.484. FINAL REVIEW REPORTS; DEPARTMENT RESPONSE. (a) The inspector general shall prepare a final report for each review conducted under this subchapter. The final report must include:

(1) a summary of the activities performed by the inspector general in conducting the review;

(2) a determination of whether wrongdoing or substantial waste was found;
and

(3) a description of any findings of wrongdoing or substantial waste or, if no wrongdoing or substantial waste was found, a statement indicating that finding.

(b) The inspector general's final review reports are subject to disclosure under Chapter 552, Government Code.

(c) All working papers and other documents related to compiling the final review reports remain confidential and are not subject to disclosure under Chapter 552, Government Code.

(d) Not later than the 60th day after the date the office issues a final report that identifies deficiencies or inefficiencies in, or recommends corrective measures in the operations of, the department, the department shall file a response that includes:

(1) an implementation plan and timeline for implementing corrective measures; or

(2) the department's rationale for declining to implement corrective measures for the identified deficiencies or inefficiencies or the office's recommended corrective measures, as applicable.

(e) Unless otherwise prohibited by this subchapter, the inspector general shall deliver a copy of each final report to:

(1) the director;

(2) the commission;

(3) the governor;

(4) the lieutenant governor;

(5) the speaker of the house of representatives;

(6) any appropriate law enforcement and prosecutorial agencies; and

(7) the state auditor.

Sec. 201.485. COSTS. (a) The inspector general shall maintain information regarding the cost of reviews.

(b) The inspector general may cooperate with appropriate administrative and prosecutorial agencies, including the office of the attorney general, in recovering costs incurred under this subchapter from nongovernmental entities, including contractors or individuals involved in:

(1) violations of applicable state or federal rules or statutes;

(2) abusive or willful misconduct; or

(3) violations of a contract or program policy.

(c) In a criminal prosecution to which this subchapter applies, the attorney representing the state shall request that the court require restitution as a condition of a convicted person's community supervision or parole.

Sec. 201.486. ADMINISTRATIVE OR CIVIL PENALTY; INJUNCTION. (a) The office may:

(1) act for the department in the assessment by the office of administrative or civil penalties the department is authorized to assess under applicable law; and

(2) request that the attorney general obtain an injunction to prevent a person from disposing of an asset identified by the office as potentially subject to recovery by the office due to the person's fraud, waste, or abuse.

(b) If the office imposes an administrative or civil penalty under Subsection (a) for the department:

(1) the department may not impose an administrative or civil penalty against the same person for the same violation; and

(2) the office shall impose the penalty under applicable rules of the office, this subchapter, applicable laws governing the imposition of a penalty by the department, and any other applicable law.

Floor Amendment No. 84

Amend Amendment No. 83 by Harper-Brown to **CSSB 1420** (page 6, prefiled amendments packet) as follows:

(1) On page 10 of the amendment, line 27, strike "may" and substitute "shall".

(2) On page 10 of the amendment, line 30, strike "may" and substitute "shall".

Floor Amendment No. 85

Amend Amendment No. 83 by Harper-Brown to **CSSB 1420** (page 6, prefiled amendments packet) as follows:

(1) Strike page 2, lines 17-29.

(2) Renumber subsequent added sections of the Transportation Code in the amendment, as applicable.

Floor Amendment No. 86

Amend **CSSB 1420** (house committee printing) by striking page 32, line 24, through page 33, line 17, and substituting:

Sec. 223.002. NOTICE OF BIDS [~~BY PUBLICATION~~]. (a) The department shall give [~~publish~~] notice to interested persons regarding [~~of~~] the time and place at which bids on a contract will be opened and the contract awarded. Subject to Subsections (b) and (c), the commission by rule shall determine the most effective method for providing the notice required by this section.

(b) The notice must be published in a newspaper published in the county in which the improvement is to be made and, at a minimum, must provide the address of an Internet website on which information regarding bids may be located [~~once a week for at least two weeks before the time set for awarding the contract and in two other newspapers that the department may designate~~].

(c) [~~Instead of the notice required by Subsection (b), if the department estimates that the contract involves an amount less than \$300,000, notice may be published in two successive issues of a newspaper published in the county in which the improvement is to be made.~~

[~~(d)~~] If a newspaper is not published in the county in which the improvement is to be made, notice shall be published in a newspaper published in the county:

(1) nearest the county seat of the county in which the improvement is to be made; and

(2) in which a newspaper is published.

Floor Amendment No. 87

Amend Amendment No. 86 by Harper-Brown to **CSSB 1420** (page 23 of the prefiled amendments packet) on page 1, line 5, by striking "to interested persons".

Floor Amendment No. 89

Amend Amendment No. 49 by Smithee (page 141 of the prefiled amendment packet) to **CSSB 1420** as follows:

(1) Strike page 1, line 2, and substitute the following:

the following appropriately numbered SECTIONS to the bill and

(2) On page 1, line 5, strike "Section 201.2002" and substitute "Sections 201.2002 and 201.2003".

(3) At the end of the amendment, add the following:

Sec. 201.2003. EDMUND P. KUEMPEL REST AREAS. (a) The eastbound and westbound rest areas located on Interstate Highway 10 in Guadalupe County are designated as the Edmund P. Kuempel Rest Areas.

(b) The department shall design and construct markers at each rest area described by Subsection (a) indicating the designation of those rest areas as the Edmund P. Kuempel Rest Areas and any other appropriate information.

(c) The department shall erect markers at appropriate locations at the rest areas.

(d) Notwithstanding Subsections (b) and (c), the department is not required to design, construct, or erect a marker under this section unless a grant or donation of private funds is made to the department to cover the cost of the design, construction, and erection of the marker.

(e) Money received under Subsection (d) shall be deposited to the credit of the state highway fund.

Floor Amendment No. 90

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 223.201, Transportation Code, is amended by amending Subsections (f) and (i) and adding Subsections (j), (k), (l), (m), (n), (o), (p), and (q) to read as follows:

(f) The department may ~~[Except as provided by Subsections (h) and (i), the authority to]~~ enter into a comprehensive development agreement only for all or part of:

(1) the State Highway 99 (Grand Parkway) project;

(2) the Interstate Highway 35E managed lanes project in Dallas and Denton Counties from Interstate Highway 635 to U.S. Highway 380;

(3) the North Tarrant Express project in Tarrant and Dallas Counties, including:

(A) on State Highway 183 from State Highway 121 to State Highway 161 (Segment 2E);

(B) on Interstate Highway 35W from Interstate Highway 30 to State Highway 114 (Segments 3A, 3B, and 3C); and

(C) on Interstate Highway 820 from State Highway 183 North to south of Randol Mill Road (Segment 4);

(4) the State Highway 183 managed lanes project in Dallas County from State Highway 161 to Interstate Highway 35E; and

(5) the State Highway 249 project in Harris and Montgomery Counties from Spring Cypress Road to Farm-to-Market Road 1774 ~~[agreements provided by this section expires on August 31, 2009].~~

(i) The authority to enter into a comprehensive development agreement for a project described by Subsection (f), other than the State Highway 99 (Grand Parkway) project, or a project described by Section 91.054 ~~[exempted from Subsection (f) or Section 223.210(b)]~~ expires August 31, 2015 ~~[2011].~~

(j) Before the department may enter into a comprehensive development agreement under Subsection (f), the department must:

(1) obtain the appropriate environmental clearance not later than September 1, 2012, for any project other than the State Highway 99 (Grand Parkway) project;

(2) present to the commission a full financial plan for the project, including costing methodology and cost proposals; and

(3) pay the full cost of procuring the agreement.

(k) A comprehensive development agreement for the North Tarrant Express project may be comprised of a combination of agreements with one or more private entities.

(l) A comprehensive development agreement for the North Tarrant Express project may provide for negotiating and entering into facility agreements for future phases or segments of the project at the times that the department considers advantageous to the department.

(m) The department is not required to use any further competitive procurement process to enter into one or more related facility agreements with the successful proposer or affiliates of the successful proposer for a comprehensive development agreement for the North Tarrant Express project.

(n) The department may include or negotiate any matter in a comprehensive development agreement for the North Tarrant Express project that the department considers advantageous to the department.

(o) A comprehensive development agreement for the North Tarrant Express project may provide the private participant with a right of first negotiation under which the private participant or its affiliates may elect to negotiate with the department and enter into one or more related facility agreements for future phases or segments of the project without the need to participate in any further competitive procurement process.

(p) The department has exclusive judgment to determine the terms of a comprehensive development agreement for the North Tarrant Express project, including the matters to be negotiated following selection of the private participant and the timing of negotiations.

(q) The department may not develop a project under this section as a project under Chapter 227.

SECTION _____. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.2011 to read as follows:

Sec. 223.2011. LIMITED AUTHORITY FOR CERTAIN PROJECTS USING COMPREHENSIVE DEVELOPMENT AGREEMENTS. (a) Notwithstanding Section 223.201(f) and Sections 370.305(d) and (f), the department or an authority under Section 370.003 may enter into a comprehensive development agreement relating to improvements to, or construction of:

(1) the Loop 1 (MoPac Improvement) project from Farm-to-Market Road 734 to Cesar Chavez Street;

(2) a project consisting of the construction of:

(A) the Outer Parkway Project from U.S. Highway 77/83 to Farm-to-Market Road 1847; and

(B) the South Padre Island Second Access Causeway Project from State Highway 100 to Park Road 100; or

(3) a project identified as part of the Hidalgo County Loop System or the La Joya Bypass project.

(b) Before the department or an authority may enter into a comprehensive development agreement under this section, the department or the authority, as applicable, must meet the requirements under Section 223.201(j).

(c) The authority to enter into a comprehensive development agreement under this section expires August 31, 2015.

SECTION _____. Section 223.201(h), Transportation Code, is repealed.

SECTION _____. (a) A governmental act taken or a decision made by the Texas Department of Transportation and the Texas Transportation Commission under Subchapter E, Chapter 223, Transportation Code, before the effective date of this Act, to negotiate, execute, or otherwise enter into a comprehensive development agreement or facility agreement relating to the North Tarrant Express Project is conclusively presumed, as of the date the act or decision occurred, to be valid and to have occurred in accordance with all applicable law.

(b) This Act does not validate any governmental act or decision that:

- (1) was void at the time the act or decision occurred;
- (2) violates the terms of federal law or a federal waiver; or
- (3) was a misdemeanor or a felony under a statute of this state or the United States at the time the act or decision occurred.

(c) This Act does not apply to any matter that on the effective date of this Act:

- (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or
- (2) has been held invalid by a final court judgment.

Floor Amendment No. 91

Amend Floor Amendment No. 90 by Phillips to **CSSB 1420** (page 91 of the prefiled amendment packet, draft number 82R25237) by adding a new SECTION, appropriately numbered, to read as follows:

SECTION _____. Section 223.203, Transportation Code, is amended by amending Subsections (g), and adding Subsections (f-2), (l-1), (l-2), (p), and (q) to read as follows:

(f-2) A private entity responding to a request for detailed proposals issued under Subsection (f) must identify:

(1) companies that will fill key project roles, including project management, lead design firm, quality control management, and quality assurance management; and

(2) entities that will serve as key task leaders for geotechnical, hydraulics and hydrology, structural, environmental, utility, and right-of-way issues.

(g) In issuing a request for detailed proposals under Subsection (f), the department may solicit input from entities qualified under Subsection (e) or any other person. The department may also solicit input regarding alternative technical concepts after issuing a request under Subsection (f). A technical solution presented with a proposal must be fully responsive to, and have demonstrated resources to be able to fulfill, all technical requirements for the project, including specified quality assurance and quality control program requirements, safety program requirements, and environmental program requirements. A proposal that includes a technical solution that does not meet those requirements is ineligible for further consideration.

(l-1) A private entity selected for a comprehensive development agreement may not make changes to the companies or entities identified under Subsection (f-2) unless the original company or entity:

(1) is no longer in business, is unable to fulfill its legal, financial, or business obligations, or can no longer meet the terms of the teaming agreement with the private entity;

(2) voluntarily removes itself from the team;

(3) fails to provide a sufficient number of qualified personnel to fulfill the duties identified during the proposal stage; or

(4) fails to negotiate in good faith in a timely manner in accordance with provisions established in the teaming agreement proposed for the project.

(l-2) If the private entity makes team changes in violation of Subsection (1), any cost savings resulting from the change accrue to the state and not to the private entity.

(p) All teaming agreements and subconsultant agreements must be executed and provided to the department before the execution of the comprehensive development agreement.

Floor Amendment No. 92

Amend Floor Amendment No. 90 by Phillips (page 91, prefiled amendments packet) to **CSSB 1420** (house committee report) by inserting the following:

SECTION _____. Subchapter G, Chapter 370, Transportation Code, is amended by adding Section 370.3055 to read as follows:

Sec. 370.3055. LIMITED AUTHORITY FOR STATE HIGHWAY 550 PROJECT USING COMPREHENSIVE DEVELOPMENT AGREEMENTS. Notwithstanding Sections 370.305(d) and (f), an authority may enter into a comprehensive development agreement relating to improvements to State Highway 550 from U.S. Highway 77/83 to State Highway 48.

Floor Amendment No. 93

Amend Amendment No. 90 by Phillips to **CSSB 1420** (page 91 of the prefiled amendments packet) as follows:

(1) On page 1, line 23, strike "and".

(2) On page 1, line 26, between "1774" and "[agreements]", insert:

; and

(6) managed lane improvements to the Interstate Highway 69 project from Interstate Highway 10 to the Tyler County line

Floor Amendment No. 94

Amend Amendment No. 90 by Phillips to **CSSB 1420** (page 91 of the prefiled amendments packet) as follows:

(1) On page 1, line 23, strike "and".

(2) On page 1, line 26, between "1774" and "[agreements]", insert:

; and

(6) the Interstate Highway 69 project in Bowie County from the Sulphur River Bridge to Interstate Highway 30

Floor Amendment No. 95

Amend Amendment No. 90 to **CSSB 1420** (82R2) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. is amended by adding Section 223.2018 to read as follows:

Sec. 223.2018. LIMITED AUTHORITY FOR CERTAIN PROJECTS USING COMPREHENSIVE DEVELOPMENT AGREEMENTS.

(a) Notwithstanding Sections 223.201(f) and (i), the department may enter into a comprehensive development agreement relating to managed lane improvements to the U.S. Highway 290 Hempstead managed lanes project in Harris County from Interstate Highway 610 to State Highway 99.

(b) This section expires August 31, 2015.

Floor Amendment No. 96

Amend Amendment No. 90 to **CSSB 1420** (82R25237) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. is amended by adding Section 223.2017 to read as follows:

Sec. 223.2017. LIMITED AUTHORITY FOR CERTAIN PROJECTS USING COMPREHENSIVE DEVELOPMENT AGREEMENTS. (a) Notwithstanding Section 223.201(f) and Sections 370.305(d) and (f), the department or an authority under Section 370.003 may enter into a comprehensive development agreement relating to improvements or construction of:

(1) the Loop 1 (MoPac Improvement) project from Farm-to-Market Road 734 to Cesar Chavez Street; and

(2) the U.S. 183 (Bergstrom Expressway) project from Springdale Road to Patton Avenue.

(b) The authority to enter into a comprehensive development agreement under this section expires August 31, 2015.

Floor Amendment No. 97

Amend Amendment No. 90 to **CSSB 1420** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. is amended by adding Section 223.2013 to read as follows:

Sec. 223.2013. LIMITED AUTHORITY FOR CERTAIN PROJECTS USING COMPREHENSIVE DEVELOPMENT AGREEMENTS.

(a) Notwithstanding Sections 223.201(f) and (i), the department may enter into a comprehensive development agreement relating to managed lane improvements to the Grayson County Tollway project, an extension of the Dallas North Tollway in Grayson County;

Floor Amendment No. 98

Amend Amendment No. 90 by Phillips to **CSSB 1420** (on page 91 of the prefiled floor amendment packet) by adding the following appropriately numbered item and renumbering subsequent items of the amendment appropriately:

() Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.0571 to read as follows:

Sec. 228.0571. INFORMATION ABOUT PAYMENT OF TOLLS. (a) In this section:

- (1) "Toll project" has the meaning assigned by Section 372.001.
- (2) "Toll project entity" has the meaning assigned by Section 372.001.
- (3) "Transponder" has the meaning assigned by Section 228.057.

(b) A toll project entity shall post signs in appropriate locations along a toll project operated by the department or entity, as appropriate, stating whether a transponder issued by another toll project entity may be used to pay the tolls of the toll project.

Floor Amendment No. 99

Amend Amendment No. 90 by Phillips to **CSSB 1420** (page 91, prefiled amendments packet) by striking page 2, line 13 through page 3, line 12 and substituting:

(k) The department may not develop a project under this section as a project under Chapter 227.

Floor Amendment No. 100

Amend Amendment No. 90 by Phillips to **CSSB 1420** (page 91 of prefiled amendments packet) as follows:

- (1) On page 1, line 26, between "1774" and "[agreements", insert;
- (6) The Highway 288 project in Brazoria & Harris Counties

Floor Amendment No. 101

Amend Amendment No. 90 by Phillips to **CSSB 1420** (page 91 of the prefiled amendments packet) by adding the following appropriately numbered items to the amendment and renumbering subsequent items accordingly:

() Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter B, Chapter 371, Transportation Code, is amended by adding Section 371.053 to read as follows:

Sec. 371.053. SUNSET REVIEW FOR ENTITIES RECEIVING DEPARTMENT FINANCIAL ASSISTANCE. (a) The governing body of a local toll project entity that receives or has received financial assistance from the department and that has authority to enter into a comprehensive development agreement shall either:

(1) undergo review under Chapter 325, Government Code (Texas Sunset Act) as if it were a state agency; or

(2) undergo an audit by the state auditor in accordance with Chapter 321, Government Code.

(b) A local toll project entity that is subject to review under Subsection (a)(1) may not be abolished.

(c) The local toll project entity that is subject to review under Subsection (a)(1) shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the local toll project entity shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

Floor Amendment No. 1 on Third Reading

Amend, on third reading, the Phillips Amendment No. 90 to **CSSB 1420**, as amended by Amendment Nos. 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, and 101, and adopted on second reading, as follows:

(1) Strike added Section 223.201(j), Transportation Code, and substitute:

(j) Before the department may enter into a comprehensive development agreement under Subsection (f), the department must:

(1) obtain, not later than August 31, 2013, the appropriate environmental clearance for any project other than the State Highway 99 (Grand Parkway) project; and

(2) present to the commission a full financial plan for the project, including costing methodology and cost proposals.

(k) Not later than December 1, 2012, the department shall present a report to the commission on the status of a project described in Subsection (f), including the status of the project's environmental clearance, an explanation of any project delays, and, if the procurement is not completed, the anticipated date for completion.

(l) In this section, "environmental clearance" means a finding of no significant impact has been issued for the project, or for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project.

(2) Redesignate Subsection (k) of Section 223.201, Transportation Code, as Subsection (m).

(3) Add new Subsections (c)-(e) to added Section 223.2011, Transportation Code, to read as follows:

(c) Not later than December 1, 2012, the department or the authority, as applicable, shall present a report to the commission on the status of a project described in Subsection (a), including the status of the project's environmental clearance, an explanation of any project delays, and, if the procurement is not completed, the anticipated date for completion.

(d) The department may not provide any financial assistance to an authority to pay for the costs of procuring an agreement under this section.

(e) In this section, "environmental clearance" means a finding of no significant impact has been issued for the project, or for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project.

(4) Redesignate Subsection (c) of added Section 223.2011, Transportation Code, as Subsection (f).

(5) At the end of the amendment, add a new SECTION to read as follows:

SECTION _____. This section and the sections of this Act that amend Section 223.201, Transportation Code, add Sections 223.2011, 223.2013, 223.2017, and 223.2018, Transportation Code, repeal Section 223.201(h), Transportation Code, and provide transitional information related to those sections, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

Floor Amendment No. 2 on Third Reading

Amend **CSSB 1420** on third reading, in added Section 221.004(c), Transportation Code (second reading Amendment No. 51 by Hilderbran), by striking "Kerr and Kimble" and substituting "Kerr, Kimble, and Montgomery".

Floor Amendment No. 3 on Third Reading

Amend **CSSB 1420**, on third reading, by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill:

SECTION _____. The Texas Department of Transportation shall contract with a university to study whether indexing commodities, such as asphalt and steel, at the time of bid is in the best interest of the state. The study shall include surveys of relevant industry groups and other states to determine industry best practice and shall be completed and presented to the Texas Transportation Commission on or before December 31, 2011. The commission shall take appropriate action based on the results of the study.

Floor Amendment No. 4 on Third Reading

Amend **CSSB 1420** on third reading in Section 371.053, Transportation Code, as added by Amendment No. 101 by Laubenberg by striking "local toll project entity" each place it appears and substituting "regional tollway authority".

Floor Amendment No. 5 on Third Reading

Amend **CSSB 1420** on third reading as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Subchapter I-1, Chapter 201, Transportation Code, takes effect September 1, 2011.

(2) Strike the SECTION of the bill providing that "This Act takes effect September 1, 2011." and substitute the following:

SECTION _____. Except as otherwise provided by this Act, this Act takes effect September 1, 2011.

Floor Amendment No. 7 on Third Reading

Amend **CSSB 1420** on third reading as follows:

(1) In Section 222.074(a), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private" and substitute "[~~or private~~]".

(2) In Section 222.074(a)(2)(A), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private".

(3) In Section 222.074(a)(8), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private".

(4) In Section 222.074(f), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private".

(5) In Section 222.074(g), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private" in each place that it appears.

(6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 222.074(c), Transportation Code, is amended to read as follows:

(c) Financial assistance to a public [~~or private~~] entity under Subsection (a) shall be limited, as applicable, to a qualified project that is consistent with the transportation plan developed by the metropolitan planning organization.

SECTION _____. Subchapter D, Chapter 222, Transportation Code, is amended by adding Section 222.080 to read as follows:

Sec. 222.080. OPEN RECORDS. Notwithstanding any other law, an agreement relating to a request for financial assistance from the bank is public information subject to disclosure under Chapter 552, Government Code, if the request for financial assistance is approved.

SECTION _____. Section 222.074(b), Transportation Code, is repealed.

Floor Amendment No. 8 on Third Reading

Amend **CSSB 1420** on third reading as follows:

(1) Strike Section 222.079, Transportation Code, as added by Amendment No. 52 by Phillips.

(2) Make necessary conforming changes to the recital of the SECTION adding Section 222.079, Transportation Code.

Floor Amendment No. 10 on Third Reading

Amend **CSSB 1420** on third reading by striking Section 223.242(d), Transportation Code, as added by second reading Amendment No. 14 as amended by Amendment No. 15 by Harper-Brown and substituting:

(d) The department may enter into not more than three design-build contracts for highway projects, each of which has a construction cost estimate of \$50 million or more to the department, in any fiscal year.

Floor Amendment No. 11 on Third Reading

Amend **CSSB 1420** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 111, Transportation Code, is amended by adding Section 111.103 to read as follows:

Sec. 111.103. HIGH SPEED RAIL SAFETY STANDARDS; FEES. (a) Except as provided by Subsection (f), on application by a railroad, the department by rule may adopt safety standards for high-speed passenger rail rolling stock and systems designed to operate at speeds in excess of 185 miles per hour for that railroad.

(b) The department may require the high-speed rail system to be isolated by grade separations or physical barriers from streets and roadways and existing freight or passenger railroads.

(c) The department shall consider safety records of rolling stock and systems operating internationally in countries with a history of safe commercial high-speed passenger rail service.

(d) A railroad is not required to seek approval of high-speed rail safety standards from the department if it is operating under standards approved by the Federal Railroad Administration or other federal authority.

(e) The department by rule shall adopt reasonable fees to recover all costs to administer this section.

(f) The department may not adopt safety standards for high-speed passenger rail rolling stock and systems unless the department has developed a high-speed rail plan.

The amendments were read.

Senator Hinojosa moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer, Senator Eltife in Chair, asked if there were any motions to instruct the conference committee on **SB 1420** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Nelson, Hegar, Nichols, and Williams.

(President in Chair)

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 782, SB 894, HB 558, HB 600, HB 801, HB 1551, HB 1944.

HOUSE CONCURRENT RESOLUTION 148

The President laid before the Senate the following resolution:

WHEREAS, House Bill No. 74 has passed the Texas House of Representatives and the Texas Senate and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the house of representatives and the senate is necessary; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That the governor be hereby requested to return House Bill No. 74 to the house of representatives to allow the chief clerk of the house of representatives to make a correction in the certification; and, be it further

RESOLVED, That the action of the speaker of the house of representatives and the president of the senate in signing House Bill No. 74 be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

VAN DE PUTTE

HCR 148 was read.

On motion of Senator Van de Putte, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1584 ON THIRD READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1584** at this time on its third reading and final passage:

CSSB 1584, Relating to state fiscal matters related to natural resources and the environment.

The motion prevailed.

Senators Fraser and Jackson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read third time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1584** (senate committee report) on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEMPORARY EXEMPTION OR TAX REDUCTION FOR
CERTAIN HIGH-COST GAS

SECTION ____ . (a) Section 201.057, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Each month, the commission shall certify the average closing price of gas during the previous three months based on various price indices available to producers. The commission shall publish certifications under this subsection in the Texas Register. Notwithstanding any other provision of this section, the commission may not certify that gas is high-cost gas for purposes of this section during any month that the average closing price of gas certified by the commission for the previous three-month period is more than \$4 per mcf. If the price is later \$4 per mcf or less, any drilling and completion costs incurred during a month when the price exceeds \$4 per mcf are excluded from the calculation of the cumulative value of the exemption under Subsection (c).

(b) The Railroad Commission of Texas shall publish the initial certification required by Section 201.057(e-1), Tax Code, as added by this section, not later than September 30, 2011.

The amendment to **CSSB 1584** was read.

Senator Ellis withdrew Floor Amendment No. 1 on Third Reading.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2 on Third Reading

Amend **CSSB 1584** (senate committee report) on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEMPORARY EXEMPTION OR TAX REDUCTION FOR
CERTAIN HIGH-COST GAS

SECTION ____ . (a) Section 201.057, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Each month, the commission shall certify the average closing price of gas during the previous three months based on various price indices available to producers. The commission shall publish certifications under this subsection in the Texas Register. Notwithstanding any other provision of this section, the commission may not certify that gas is high-cost gas for purposes of this section during any month that the average closing price of gas certified by the commission for the previous three-month period is more than \$6.50 per mcf. If the price is later \$6.50 per mcf or less, any drilling and completion costs incurred during a month when the price exceeds \$6.50 per mcf are excluded from the calculation of the cumulative value of the exemption under Subsection (c).

(b) The Railroad Commission of Texas shall publish the initial certification required by Section 201.057(e-1), Tax Code, as added by this section, not later than September 30, 2011.

The amendment to **CSSB 1584** was read.

Senator Davis offered the following amendment to Floor Amendment No. 2 on Third Reading:

Floor Amendment No. 3 on Third Reading

Amend Floor Amendment No. 2 on Third Reading by Ellis to **CSSB 1584** on third reading as follows:

(1) In the recital to the SECTION of the amendment amending Section 201.057, Tax Code, strike "Subsection (e-1)" and substitute "Subsections (e-1) and (e-2)".

(2) In the SECTION of the amendment amending Section 201.057, Tax Code, insert a new Subsection (e-2) as follows:

(e-2) If the commission does not certify the gas as high-cost gas under Subsection (e-1), the comptroller shall determine the additional revenue from the tax imposed under this chapter that is attributable to the gas not being certified. After deducting the amount required by Section 201.403, the comptroller shall deposit that revenue to the credit of the foundation school program. Section 201.404 does not apply to revenue deposited under this subsection.

The amendment to Floor Amendment No. 2 on Third Reading to **CSSB 1584** was read.

Senator Davis withdrew Floor Amendment No. 3 on Third Reading.

Question recurring on the adoption of Floor Amendment No. 2 on Third Reading to **CSSB 1584**, the (revised) amendment failed of adoption by the following vote: Yeas 16, Nays 13, Present-not voting 1. (Not receiving two-thirds vote of Members present)

Yeas: Carona, Davis, Ellis, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Huffman, Nelson, Nichols, Patrick, Seliger, Wentworth.

Present-not voting: Ogden.

Absent-excused: Williams.

CSSB 1584 was finally passed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Fraser, Jackson.

Absent-excused: Williams.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 6, 2011 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 122

Veasey

Relating to proof that is acceptable for identifying individuals acknowledging written instruments.

HB 577

McClendon

Relating to emergency prehospital care provided by emergency services personnel.

HB 595

Raymond

Relating to the punishment prescribed for false identification as a peace officer.

HB 654

Solomons

Relating to a report regarding the municipality or county of origin of certain tax revenue collected by the comptroller.

- HB 673** Parker
Relating to the production and use of an instructional video on recreational water safety.
- HB 753** Raymond
Relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services.
- HB 762** Lozano
Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.
- HB 777** Gonzalez, Naomi
Relating to court costs imposed on conviction and deposited to the appropriate courthouse security fund or court building security fund.
- HB 783** Davis, Yvonne
Relating to certain offenses that involve impersonating a peace officer or other public servant and misrepresenting the nature of certain property.
- HB 807** Parker
Relating to the notice provided to a foster parent before a change in a child's foster care placement.
- HB 818** Howard, Donna
Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.
- HB 826** Farias
Relating to facilitating the enrollment in or transfer to a public school district of a student in the conservatorship of the state.
- HB 872** Davis, Yvonne
Relating to the right of a person exempt from registration as a property tax consultant who files a protest with the appraisal review board on behalf of a property owner to receive notices from the board regarding the property subject to the protest.
- HB 970** Gonzales, Larry
Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.
- HB 971** King, Phil
Relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.
- HB 1033** Craddick
Relating to the authority of certain counties to impose a county hotel occupancy tax.
- HB 1071** Davis, Sarah
Relating to the extension of deed restrictions in certain residential real estate subdivisions.
- HB 1080** Gallego
Relating to an exemption for active duty personnel and certain veterans from the requirement to complete the live firing portion of a hunter education program.

- HB 1090** Gonzalez, Naomi
Relating to the calculation of interest on certain ad valorem tax refunds.
- HB 1111** Hartnett
Relating to a tenant's failure to pay rent during an appeal of an eviction for nonpayment of rent after filing a pauper's affidavit.
- HB 1135** Aycock
Relating to an application to run for political office.
- HB 1178** Flynn
Relating to employment protection for members of the state military forces.
- HB 1226** Dutton
Relating to the eligibility of certain persons who have received deferred adjudication to vote.
- HB 1315** Aliseda
Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.
- HB 1335** Allen
Relating to certain resources available to teachers of a public school student with a disability under the statewide plan for delivery of services to public school students with disabilities.
- HB 1354** Davis, Sarah
Relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.
- HB 1456** Orr
Relating to the waiver and release of a mechanic's, contractor's, or materialman's lien or payment bond claim and to the creation of a mechanic's, contractor's, or materialman's lien for certain landscaping.
- HB 1500** White
Relating to allowing the commissioners court of a county to deliberate in a closed meeting regarding business and financial issues related to a contract being negotiated.
- HB 1502** White
Relating to allowing military voters on active duty overseas to receive and cast a ballot electronically.
- HB 1517** Isaac
Relating to the disposition of fines for traffic violations collected by certain municipalities.
- HB 1604** Guillen
Relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.
- HB 1610** Gonzales, Larry
Relating to employment termination procedures applicable to a teacher who is convicted of or receives deferred adjudication for a felony.

HB 1616

Geren

Relating to the reporting or providing of information, including information relating to political contributions, political expenditures, and personal financial information, by public servants, political candidates and committees, and persons required to register under the lobby registration law, and to complaints filed with and the functions of the Texas Ethics Commission.

HB 1619

Orr

Relating to emergency services districts.

HB 1649

Marquez

Relating to building code standards for new residential construction in the unincorporated area of a county.

HB 1678

Burkett

Relating to the employment of an elections administrator.

HB 1749

Kuempel

Relating to county roads mistakenly established and maintained by an adjoining county.

HB 1772

Taylor, Larry

Relating to the regulation of certain benefit plans.

HB 1821

Anderson, Rodney

Relating to the delivery of subdivision information by a property owners' association to purchasers.

HB 1834

Shelton

Relating to elimination of certain requirements for increasing community awareness of prekindergarten programs offered by or in partnership with school districts.

HB 1839

Phillips

Relating to excluding a provider of recreational classes that do not lead to an educational credential from regulation as a career school or college.

HB 1840

Phillips

Relating to the creation and functions of the Texas Grain Producer Indemnity Board.

HB 1930

Zedler

Relating to the membership and duties of the Human Trafficking Prevention Task Force.

HB 1931

Hartnett

Relating to a person who may serve as a special judge in certain civil and family law matters.

HB 1960

Deshotel

Relating to the regulation of boat manufacturers, distributors, and dealers; providing a civil penalty.

HB 1983

Kolkhorst

Relating to certain childbirths occurring before the 39th week of gestation.

HB 1985

Turner

Relating to the collection of criminal and civil court costs, fees, and fines by a municipality or county and to notice to the Department of Public Safety regarding payment of an administrative fee by certain persons denied renewal of a driver's license.

HB 1988

Gallego

Relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

HB 2038

Price

Relating to prevention, treatment, and oversight of concussions affecting public school students participating in interscholastic athletics.

HB 2042

Menendez

Relating to defense base development authorities, including the powers of an authority and the taxation of certain tangible personal property located on the base property for which the authority is established.

HB 2048

Lyne

Relating to the collection and enforcement of state and local hotel occupancy taxes.

HB 2052

Pena

Relating to the reporting of certain information to county voter registrars by the secretary of state.

HB 2061

Pena

Relating to the reporting of certain information to the director of the bureau of vital statistics.

HB 2100

Lewis

Relating to the exemption from taxation of property of a local government corporation.

HB 2109

Truitt

Relating to agency action concerning assisted living facilities, including regulation of inappropriate placement of residents at facilities; providing a penalty.

HB 2127

Geren

Relating to the municipal regulation of the discharge of firearms and certain other weapons in certain counties.

HB 2136

Guillen

Relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services.

HB 2160

Coleman

Relating to the governing bodies of certain local planning organizations.

HB 2172

Torres

Relating to the eligibility of certain children under group life insurance policies.

- HB 2173** Torres
Relating to a pilot program allowing certain military overseas voters to receive and cast a ballot electronically.
- HB 2195** Hartnett
Relating to requirements for certain arrangements or agreements of certain regional transportation authorities.
- HB 2205** Oliveira
Relating to the eligibility of persons to participate in the public sale of certain real property and the purchase of that property; providing a penalty.
- HB 2220** Davis, Yvonne
Relating to the requirement to prepay ad valorem taxes as a prerequisite to determining certain motions or protests and the authority of an appraisal review board to determine compliance with the requirement.
- HB 2284** Hardcastle
Relating to the practice of architecture and engineering.
- HB 2285** Nash
Relating to reimbursement of costs incurred for the collection of certain blood specimens as a condition of community supervision.
- HB 2295** Frullo
Relating to the administration of the universal service fund.
- HB 2367** Parker
Relating to the creation of an advisory panel to study certain parental rights relating to possession of or access to the parent's child.
- HB 2374** Gallego
Relating to the taking of children into custody by certain law enforcement officers.
- HB 2396** McClendon
Relating to the pledge of advanced transportation district sales and use taxes to certain bonds.
- HB 2477** Harless
Relating to the provision of bilingual election materials.
- HB 2549** Crownover
Relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.
- HB 2576** Truitt
Relating to a disclosure statement on the out-of-pocket costs incurred for health care services and supplies provided to consumers receiving outpatient care at a hospital outpatient clinic.
- HB 2577** Miller, Sid
Relating to the unlawful use of a criminal instrument or mechanical security device; providing a penalty.

- HB 2584** Anderson, Rodney
Relating to authorizing certain municipalities to donate surplus real property of negligible or negative value to certain private persons.
- HB 2604** Taylor, Larry
Relating to unencumbered assets held by title agents.
- HB 2636** Kolkhorst
Relating to a commission to study neonatal intensive care units.
- HB 2651** Allen
Relating to the eligibility of visitors to use certain public transportation services for people with disabilities.
- HB 2655** Sheets
Relating to notice of coverage reduction on renewal of a property/casualty insurance policy.
- HB 2699** Eiland
Relating to the requirements for an insurance adjuster license.
- HB 2703** Truitt
Relating to the regulation of orthotists and prosthetists.
- HB 2723** Walle
Relating to notice of premium increase for certain health benefit plans.
- HB 2742** Kleinschmidt
Relating to the business of structural pest control.
- HB 2784** Alonzo
Relating to the refund policy for courses and programs at career schools and colleges.
- HB 2810** Miller, Sid
Relating to an exemption from the sales and use tax for tangible personal property incorporated into or attached to certain agricultural structures.
- HB 2872** Orr
Relating to restrictions on the sale of certain motor vehicles at vehicle shows or exhibitions.
- HB 2882** Scott
Relating to subrogation of certain costs for services provided or paid by the Nueces County Hospital District; providing penalties.
- HB 2899** Hartnett
Relating to decedents' estates.
- HB 2903** Zerwas
Relating to the program of all-inclusive care for the elderly.
- HB 2947** Coleman
Relating to the exception of an audit working paper of a hospital district from required disclosure under the public information law.
- HB 2972** Smith, Todd
Relating to the municipal sales and use tax for street maintenance.

- HB 2993** Miles
Relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody; providing certain enhanced penalties.
- HB 3002** Hughes
Relating to certain conservation and reclamation districts exempted from filing a full audit.
- HB 3071** Veasey
Relating to contract award considerations by certain conservation and reclamation districts.
- HB 3078** Gallego
Relating to the residency requirement for certain elective offices of certain political subdivisions.
- HB 3085** Taylor, Larry
Relating to the period of a license for a freestanding medical emergency care facility.
- HB 3090** Creighton
Relating to the frequency of water audits by certain retail public utilities.
- HB 3109** Craddick
Relating to the rulemaking power of certain groundwater conservation districts.
- HB 3116** Gonzales, Veronica
Relating to the execution of deeds conveying residential real estate in connection with certain transactions involving residential real estate.
- HB 3117** Vo
Relating to the reporting of information to claims databases by insurers.
- HB 3134** Crownover
Relating to the plugging of inactive oil and gas wells.
- HB 3135** Shelton
Relating to reasonable break times and facilities for school district educators expressing breast milk.
- HB 3145** Naishtat
Relating to the regulation of chemical dependency counselors.
- HB 3161** Hancock
Relating to limited purpose subsidiary life insurance companies.
- HB 3197** Coleman
Relating to creating a pilot program to implement the culture change model of care at certain state supported living centers.
- HB 3269** Callegari
Relating to certain grants awarded under the new technology research and development program.
- HB 3278** Shelton
Relating to membership of the commissioner of education and the Texas Education Agency in certain advisory committees, commissions, task forces, and other similar entities.

- HB 3298** Harper-Brown
Relating to the transfer of certain vehicle registrations at the time of sale of the vehicle.
- HB 3329** Keffer
Relating to a daily temporary private club permit for a nonprofit corporation.
- HB 3337** Gonzales, Veronica
Relating to the emergency medical services that give rise to an emergency medical services lien.
- HB 3391** Miller, Doug
Relating to rainwater harvesting and other water conservation initiatives.
- HB 3396** Hernandez Luna
Relating to the prosecution of and punishment for the offense of breach of computer security.
- HB 3457** Eiland
Relating to the selection of certain members of the board of directors of an appraisal district.
- HB 3582** Harless
Relating to the allocation to certain school districts of the expenses of a joint election.
- HB 3689** Oliveira
Relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.
- HB 3722** Guillen
Relating to the boater education program of the Parks and Wildlife Department.
- HB 3724** Guillen
Relating to the Chronic Kidney Disease Task Force.
- HB 3771** Harper-Brown
Relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail; authorizing a fee.
- HB 3796** Gallego
Relating to the composition of certain judicial districts.
- HB 3807** Woolley
Relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston.
- HB 3808** King, Tracy O.
Relating to fishing with certain archery equipment in certain counties.
- HB 3811** Gallego
Relating to the annual audit of the books and records of the Big Bend Regional Hospital District.
- HB 3846** Laubenberg
Relating to the creation of the Mustang Ranch Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.

- HCR 86** Chisum
Designating the Texas State Bison Herd at Caprock Canyons State Park as the official State Bison Herd of Texas.
- HCR 98** Hunter
Requesting the lieutenant governor and the speaker to create a joint interim committee to study the safe and effective use of high-powered air rifles.
- HCR 127** Naishtat
Designating the year 2012 as the Lady Bird Johnson Centennial Year.
- HCR 133** Bonnen
Designating the red drum as the official State Saltwater Fish of Texas.
- HJR 63** Pickett
Proposing a constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.
- SB 265** Zaffirini Sponsor: Carter
Relating to training for employees and operators of certain child-care facilities.
- SB 378** Hegar Sponsor: Hunter
Relating to the date by which a pest management zone or cotton grower may request an extension of the cotton stalk destruction deadline.
- SB 528** Huffman Sponsor: Coleman
Relating to meetings of the University of Houston System Board of Regents.
- SB 820** Harris Sponsor: Thompson
Relating to a court order for the possession of or access to a child under three years of age.
- SB 877** Hinojosa Sponsor: Gallego
Relating to a verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.
- SB 893** Whitmire Sponsor: Hardcastle
Relating to motor fuel quality and testing.
(Committee Substitute)
- SB 918** Wentworth Sponsor: Thompson
Relating to immunity for reporting insurance fraud.
- SB 1195** Rodriguez Sponsor: Quintanilla
Relating to postponement of jury service in certain counties.
- SB 1272** Eltife Sponsor: Lavender
Relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University–Texarkana.
- SB 1303** West Sponsor: King, Tracy O.
Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature to other Acts of that legislature.

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1 (103 Yeas, 18 Nays, 2 Present, not voting)

House Conferees with Instructions: Pitts - Chair/Crownover/Otto/Turner/Zerwas

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1543 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1543** at this time on its second reading:

CSSB 1543, Relating to the authority of an independent school district to invest in corporate bonds.

The motion prevailed.

Senators Birdwell, Nelson, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Nelson, Patrick.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1543 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1543** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Zaffrini.

Nays: Birdwell, Harris, Jackson, Nelson, Patrick, Watson.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Nelson, Patrick.

Absent-excused: Williams.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 18 ADOPTED

Senator Estes called from the President's table the Conference Committee Report on **SB 18**. The Conference Committee Report was filed with the Senate on Monday, May 2, 2011.

On motion of Senator Estes, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1113 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1113** at this time on its second reading:

CSSB 1113, Relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1113 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1113** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 148**.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills today: **SB 995**, **SB 1309**.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. Tuesday, May 10, 2011, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

REMARKS ORDERED PRINTED

On motion of Senator Eltife and by unanimous consent, the remarks by Senator Shapiro regarding James "Jim" Boswell were ordered reduced to writing and printed in the *Senate Journal* as follows:

You know, all of us in our lifetime, particularly as elected officials, always have a Jim Boswell in their life. And I am here today to recognize Jim Boswell, my friend who died of brain cancer May 8th of last year at the age of 71. And the reason I say that we all have a Jim Boswell is because, if you think about your friends, and you think particularly about your political friends, everybody has a friend that'll be with you through thick and thin, no matter what your decisions, good or bad, whatever your thoughts are in the political arena. Jim was that friend to me. He was an exceptional individual. He was valedictorian of his high school class in Polkston, Charlotte, I mean, Polkton, North Carolina. He loved politics, it was his life. He thrived on every day reading the paper, looking at what was going on. He started, actually, at George Washington University where he got a political science degree. Then he, of course, went from there to his first job, which was in Charlotte where he actually worked at the county courthouse swearing in juries. Can you imagine having somebody that started back then, swearing in juries? But, the politics just got in his blood, got in his system, and he never let it go. I was fortunate when Jim and his wife and his daughter, Leslie, moved to Plano in 1976. He used to be called Mr. Plano. There was nothing Jim Boswell wouldn't do for the city. He was an amazing leader, and we were very fortunate when he took a job at Plano Hospital, back then it was called Presbyterian. It's now Texas Health Presbyterian Hospital of Plano. He was so beloved. He was actually the Director of Physician Relations, and there was not a time that went by that anybody who had a child or a spouse or a husband or a wife or a grandparent who was sick and was going to that hospital, that you didn't call Jim Boswell up and say, Jim, my little girl broke her arm. He'd be there waiting for you at the emergency room. That's the kind of friend that Jim Boswell was. He was a family man. He was beloved in the community. He was actively engaged in the Chamber

of Commerce, was President of the Chamber, served as Chairman of the Chamber. He was on the city's Planning and Zoning Commission. He was recognized by every organization for his civic virtues. And in 1992, he was named Citizen of the Year. Members, you and I know, these people are rare in our lives. This is a man I still think of almost daily, particularly, when I'm here on the Senate floor. He loved what we did. He knew each of you by name, believe it or not. He knew you by name, that's how much he was committed to what we do in this body. Jim was passionate. Jim was outgoing. Jim was loyal. At his death, I know, today, his wife, Myra, and his daughter, Leslie, are probably still angst and hurting from the loss of our friend. In truth, it's been very difficult for me and my family, as well. That's how good a friend he was. Plano has not been the same since Jim Boswell passed away last May 8th. It's almost been a year. And it's been one of those years, particularly, since January, that I miss him day in and day out. And I felt it was absolutely essential that we remember his contributions, his indelible contributions to our community and to the state. And so, for those reasons and many, many others, I wish for the Senate this day to adjourn in the memory of Jim Boswell. Thank you.

CO-AUTHOR OF SENATE BILL 200

On motion of Senator Zaffirini, Senator Wentworth will be shown as Co-author of **SB 200**.

CO-AUTHOR OF SENATE BILL 1214

On motion of Senator Patrick, Senator Ogden will be shown as Co-author of **SB 1214**.

CO-AUTHOR OF SENATE BILL 1417

On motion of Senator Hinojosa, Senator Williams will be shown as Co-author of **SB 1417**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SCR 54 by Fraser, In memory of Gregory Mack Simmons.

SR 928 by Hinojosa, Lucio, and Rodriguez, In memory of Michael A. Allen of McAllen.

SR 929 by Williams, In memory of Sammie Lindsay Cadenhead.

SR 936 by Zaffirini, In memory of Santos Porras Jr.

Congratulatory Resolutions

SR 924 by Van de Putte, Recognizing the 2011 recipients of the H-E-B Excellence in Education Awards.

SR 930 by West, Recognizing the Mountain View College Lions men's basketball team for winning a national championship title.

SR 933 by Ellis, Recognizing Debra L. Friedkin for her support of the research at the Debra L. Friedkin archaeological site.

SR 934 by Ellis, Recognizing Lady Jackie Pope of Houston for her service to the Top Ladies of Distinction, Incorporated.

SR 937 by Jackson, Recognizing Madison Jewel Gee of Lake Jackson on the occasion of her high school graduation.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:01 p.m. adjourned, in memory of James "Jim" Boswell, until 11:00 a.m. Monday, May 9, 2011.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 6, 2011

INTERGOVERNMENTAL RELATIONS — **SB 1405, HB 460, HB 564, CSHB 843, SB 1441, HB 1488, HB 1862, HB 1869, HB 1917**

HEALTH AND HUMAN SERVICES — **CSSB 471, SB 856, SB 1449, CSSB 1265, CSSB 1360, SB 1424, SB 1448, CSSB 1854, CSSB 1857, CSSB 709, HB 35, HB 118, HB 434, CSHB 848, HB 871, CSHB 943, CSHB 1380, CSHB 1829**

FINANCE — **CSSB 1588**

JURISPRUDENCE — **CSHB 908**

EDUCATION — **CSHB 370**

STATE AFFAIRS — **HB 625, HB 755, HB 1061, HB 1545, SB 1666**

INTERGOVERNMENTAL RELATIONS — **HB 2670, HB 315, HB 679, HB 2351**

FINANCE — **SB 1771**

INTERGOVERNMENTAL RELATIONS — **CSSB 1440**

OPEN GOVERNMENT — **CSSB 1829**

HIGHER EDUCATION — **CSSB 1724**

EDUCATION — **CSHB 6**

STATE AFFAIRS — **CSHB 1136**

OPEN GOVERNMENT — **CSSB 1826**

BILLS ENGROSSED

May 5, 2011

SB 32, SB 34, SB 66, SB 105, SB 570, SB 682, SB 812, SB 954, SB 955, SB 956, SB 1032, SB 1057, SB 1120, SB 1198, SB 1209, SB 1234, SB 1286, SB 1422, SB 1438, SB 1471, SB 1529, SB 1532, SB 1533, SB 1579, SB 1583, SB 1636, SB 1727, SB 1731, SB 1737, SB 1742, SB 1743, SB 1751, SB 1760, SB 1789, SB 1816, SB 1849, SB 1875, SB 1877, SB 1878, SB 1882, SB 1909, SB 1910

BILLS AND RESOLUTIONS ENROLLED

May 5, 2011

SB 782, SB 894, SR 506, SR 907, SR 915, SR 922, SR 923, SR 926, SR 927

SENT TO GOVERNOR

May 6, 2011

SB 782, SB 894

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SIXTH DAY

(Monday, May 9, 2011)

The Senate met at 11:13 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Billy Sanders, North Pointe Church, Copperas Cove, was introduced by Senator Birdwell and offered the invocation as follows:

Thank you and, as the Lord taught us to pray in Matthew 6:9-13, let us pray: Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in our State of Texas, as it is in heaven. Give us this day our daily bread and the wisdom to share it. And forgive us our debts and trespasses, as we forgive our debtors and those that have trespassed against us. And lead us not into the temptation to do our will, but deliver us from the evil that comes in being selfish. For Thine is the kingdom that we desire to pattern after and the power we need that comes to accomplish it and the glory and praise we give only to You, for ever and ever, in the name of the Father and of the Son and of the Holy Spirit, in the name of our lord and savior, Jesus Christ, we pray. Amen and amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Kanaka Paladugu of Bastrop as the Physician of the Day.

The Senate welcomed Dr. Paladugu and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 916

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in recognizing the inaugural class of Bush School Capstone Scholars, a program developed by the George Bush School of Government and Public Service at Texas A&M University; and

WHEREAS, One of the school's cornerstones is the commitment to educate students to become principled leaders in public service; the primary means by which this commitment is realized is through the Capstone program, which is designed to test the knowledge and abilities students have developed through their previous classes and experiences; and

WHEREAS, The Legislature of the State of Texas is the institution in which the most challenging public policy issues of the day are debated and resolved; these scholars answered the call to public service and rose to the challenge of participating in the first Bush School Legislative Capstone program, bringing their skills and talents to bear in the 82nd Texas Legislature and learning firsthand how public policy is shaped; and

WHEREAS, The following scholars have demonstrated exceptional dedication and achievement during their service for the legislature: James R. Close from Houston, serving in the office of Senator Eddie Lucio for the Committee on International Relations and Trade; D. Benjamin Maddox from San Antonio, serving in the office of Representative Diane Patrick; Nicolas D. Norboge from Wimberley, working as a legislative liaison with the Texas Transportation Institute; Brady D. Olsen from Haltom City, serving for the Legislative Budget Board; Katherine Vedlitz from College Station, serving in the House Democratic Caucus office; Michael Walter from Houston, serving for the House Committee on Homeland Security and Public Safety; and Craig Welkener from Allen, working as a legislative liaison with the Texas Transportation Institute; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend these promising students for their remarkable service this session and wish them continued success as they prepare to become the leaders of our great state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem and appreciation from the Texas Senate.

SR 916 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Bush School Capstone Scholars: James R. Close, Craig Welkener, Michael Walter, Brady D. Olsen, Nick Norboge, and Professor Ann Bowman.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 139

The Presiding Officer laid before the Senate the following resolution:

HCR 139, In memory of former Texas secretary of state Myra McDaniel.

ELLIS

The resolution was read.

On motion of Senator Ellis, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Myra McDaniel, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Reuben McDaniel, Jr., Joan Phillips, Diane Rhodes, Mike Rhodes, Lauren Eva Riley, and Joseph Ted Castleberry.

The Senate welcomed its guests and extended its sympathy.

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, the remarks by Senators Ellis, Lucio, Watson, and West regarding **HCR 139** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Ellis: Thank you, Mr. President and Members. Myra McDaniel and her husband were two of the first people that I met when I came to Austin. She was a tremendous mentor and would open up her home to me and the likes of Ron Kirk when we were in law school. In fact, she opened her home up so much, I was about 50 pounds heavier as a result of going to their home on a regular basis. It was a tremendous loss for our state when Myra passed on. She certainly didn't look like she was 77, and from time to time, when I walk around the halls, I still think that I'm talking to her from time to time, because she did a great job of advising many of us around this Capitol. She died last February the 25th. It was a great loss, as I said. Members, we're joined today by her husband, Reuben McDaniel, Jr.; her daughter, Diane Rhodes; her son-in-law, Mike Rhodes; and sister-in-law, Joan Phillips; and grandchildren, Lauren and Joseph. Members, I'm just so glad to have known Myra McDaniel, and her memory does live on. And I hope that Members will take the time to give their condolences to her great family.

Senator Watson: Thank you very much, Mr. President. I just want to say thank you to Senator Ellis for bringing this resolution forward. I feel the same way. When Liz and I first got to Austin, Texas, back in the early '80s, Myra was already doing so

much, and so much a part of what was going on, and was someone that, for a young lawyer that hit this town and wanted to be involved in one way or another, she was always there, able to provide advice and counsel and do it in a way where you knew you were getting the kind of advice and counsel that would actually help you to succeed. Her work in government is going to be a lasting legacy. And it's going to be the kind of thing that those of us who seek out public service, will, I hope, from time to time, look back and ask if we're living up to that, doing it in a way that sometimes is far, far more quiet than what we tend to do today when we're involved in public service but done in such a way that when it gets real—I remember listening to her talk from time to time in a very quiet way, but it thundered in your ear what she was actually saying to you. I, my condolences go out to you. I know it must've been a wonderful, wonderful thing to have somebody who cared so deeply and loved so well as your family member. And, I'd be remiss if I didn't take a moment to thank you for loaning her to the people of the State of Texas and to Central Texas.

Senator Lucio: Thank you, Mr. President, and thank you, Senator Ellis, for bringing this important resolution to the floor to recognize one of Texas' best. She was such a lady. Great smile, and all of us who have served so many years in public service at one time or another get to know our Secretary of State. And it was just such a pleasure to converse with her. She was so bright and just so proactive about everything she did. And I'm happy to have an opportunity to publicly tell you that all of us in South Texas admired and respected Ms. McDaniel. Happy to have you here on the floor.

Senator West: Thank you very much, Mr. President, Members. You know, oftentimes, people live and they're not remembered. Myra lived and is remembered, not by just you as her family, not by just the legal community in which she was a giant, not by just a community that she lived in where she was a civic servant but by the great State of Texas. We remember her, not just as a Secretary of State, but as a Texan that many of us go to for advice and counsel and her quiet demeanor. Maybe she wasn't that way at home, but at least to us, her quiet demeanor, she would give thought to the question that was asked, and she was very deliberative in the advice that she gave. And in most instances, it was the correct advice. And so, I join the other Senators on this floor to pay tribute to a great wife, mother, sister, most of all, a great Texan. She will be remembered in perpetuity. Thank you.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 9, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 710 Walle

Relating to verification of identity of applicants for benefits under and prevention of duplicate participation in the financial assistance and supplemental nutrition assistance programs.

HB 751 Lewis

Relating to the attendance by a quorum of a legislative standing committee at a caucus meeting.

HB 1278 Coleman

Relating to regulation by a property owners' association of certain religious displays.

HB 1418 Hughes

Relating to inmate litigation.

HB 1788 Farias

Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.

HB 2029 Flynn

Relating to the sale of a cemetery plot; providing penalties.

HB 2197 Rodriguez, Eddie

Relating to the purchase of property as part of a homestead land bank program.

HB 2329 Zedler

Relating to the confidentiality of certain information regarding victims of trafficking of persons and to the issuance and enforcement of protective orders to protect victims of trafficking of persons; providing penalties.

HB 2610 Guillen

Relating to facilitating access to certain public assistance benefits programs and health care providers and services through a community-based navigator program and through promotoras and community health workers.

HB 2678 Smith, Todd

Relating to driver training and education.

HB 2704 Sheffield

Relating to a parent's right to object to physical fitness assessment of the parent's child by a school district.

HB 2814 Hochberg

Relating to electronic voter registration.

HB 3393 Hughes

Relating to the filing by a court reporter of an official transcript of a court proceeding.

HB 3473 Gallego

Relating to a defense to prosecution for, the punishment for, and the civil and other consequences of committing the offense of prostitution.

HB 3483 Christian

Relating to seller's disclosure regarding the presence of contaminants on residential real property.

SB 132 Wentworth Sponsor: Flynn
 Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.
 (Amended)

SB 1104 Jackson Sponsor: Smith, Wayne
 Relating to the operation, powers, and duties of ship channel districts.

SB 1107 Davis Sponsor: Howard, Charlie
 Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.
 (Amended)

SB 1168 Carona Sponsor: Harper-Brown
 Relating to the repeal of the certification process for personnel service owners and the regulation of personnel services.

SB 1341 Seliger Sponsor: Elkins
 Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

SB 1680 Ellis Sponsor: Murphy
 Relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.

Respectfully,

/s/Robert Haney, Chief Clerk
 House of Representatives

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation from Pharr-San Juan-Alamo North High School.

Senator Lucio was again recognized and introduced to the Senate Harmony Science Academy students serving as Honorary Senate Pages today: Luis Ong, Leigh Mata, Abelina Reves, Amairani Benavides, and Antonio Beltran.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:41 a.m. announced the conclusion of morning call.

SENATE BILL 980 WITH HOUSE AMENDMENT

Senator Carona called **SB 980** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 980** (house committee report) in SECTION 3 of the bill, in added Section 52.002(d)(2), Utilities Code (page 4, line 2), between "law" and the semicolon, by inserting "the applicability of Chapter 66, or a requirement to make a payment under Chapter 66".

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 980**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 501 WITH HOUSE AMENDMENT

Senator West called **SB 501** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 501** on third reading, in SECTION 1 of the bill, in added Section 2.003, Human Resources Code (page 4, line 16), by striking "and private".

The amendment was read.

Senator West moved to concur in the House amendment to **SB 501**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(President Pro Tempore Ogden in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 303 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 303** at this time on its second reading:

CSSB 303, Relating to health care services provided or paid by a hospital district.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE

SENATE BILL 303 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 303** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 1866 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1866** at this time on its second reading:

CSSB 1866, Relating to the selection of providers of professional services by governmental entities.

The motion prevailed.

Senators Birdwell, Carona, Harris, Huffman, Nelson, Nichols, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1866** by striking Sections 1 and 2 of the bill and replacing with the following new Sections 1 and 2 to read as follows:

SECTION 1. Section 2254.003, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Unless inconsistent with the criteria in Subsection (a), a governmental entity selecting a provider of or awarding a contract for professional services may consider:

(1) the impact on the entity's ability to comply with laws, rules, or policies regarding, as applicable:

(A) historically underutilized or minority-owned businesses;

(B) small business development programs; and

(C) any other contracting program approved by the entity that relates to

(A) or (B); and

(2) the locations of the provider's or group or association of providers' places of business where the work will be performed if, in the entity's governing body's judgment, the location of the places of business where the work will be performed will impact the most efficient and economical provision of the services.

SECTION 2. Section 2254.004, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Unless inconsistent with the criteria in Subsection (a), a governmental entity selecting a provider of or awarding a contract for architectural, engineering, or land surveying services may consider:

(1) the impact on the entity's ability to comply with laws, rules, or policies regarding, as applicable:

(A) historically underutilized or minority-owned businesses;

(B) small business development programs; and

(C) any other contracting program approved by the entity that relates to

(A) or (B); and

(2) the locations of the provider's places of business where the work will be performed if, in the entity's governing body's judgment, the location of the places of business where the work will be performed will impact the most efficient and economical provision of the services.

The amendment to **CSSB 1866** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1866 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Carona, Harris, Hegar, Huffman, Nelson, Nichols, Patrick, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 1866 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1866** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Harris, Nichols, Patrick, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Harris, Hegar, Huffman, Nelson, Nichols, Patrick, Shapiro.

HOUSE BILL 610 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 610** at this time on its second reading:

HB 610, Relating to certain notices sent by the Texas Commission on Environmental Quality.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 610 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 610** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1386 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1386** at this time on its second reading:

CSSB 1386, Relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles.

The motion prevailed.

Senators Jackson and Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar, Jackson, Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1386 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1386** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Jackson, Nelson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Jackson, Nelson.

HOUSE BILL 1806 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **HB 1806** at this time on its second reading:

HB 1806, Relating to fishing tournament fraud; providing penalties.

The motion prevailed.

Senator Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Shapiro.

HOUSE BILL 1806 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1806** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 905 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 905** at this time on its second reading:

CSSB 905, Relating to the application of certain concealed handgun license laws to statewide elected officials, certain current and former members of the legislature, and certain federal and state employees.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Davis, Ellis, Ogden, Rodriguez, Wentworth.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 905 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 905** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Davis, Ellis, Ogden, Rodriguez, Wentworth.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

(Senator Eltife in Chair)

HOUSE BILL 571 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **HB 571** at this time on its second reading:

HB 571, Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Nelson.

HOUSE BILL 571 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 571** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE CONCURRENT RESOLUTION 32 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SCR 32** at this time on its second reading:

SCR 32, Expressing opposition to federal regulation of intrastate water resources.

The motion prevailed.

Senators Ellis, Uresti, Watson, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Ellis, Uresti, Watson, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 1334** at this time on its second reading:

CSSB 1334, Relating to the dismissal of complaints against property tax professionals.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1334 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1334** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1895 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1895** at this time on its second reading:

SB 1895, Relating to director elections and powers of the Texana Groundwater Conservation District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1895 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1895** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1809 ON THIRD READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1809** at this time on its third reading and final passage:

CSSB 1809, Relating to a study by the comptroller of public accounts of the economic impact of the Texas-Mexico border wall in the State of Texas.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Nelson, Nichols, Patrick, Shapiro, Wentworth.

The bill was read third time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1809** (senate committee printing) on third reading by inserting the following new SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision. This section does not apply if this Act does not require an appropriation.

The amendment to **CSSB 1809** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1809 as amended was finally passed by the following vote: Yeas 22, Nays 9.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Nichols, Patrick, Shapiro, Wentworth.

HOUSE BILL 1832 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1832** at this time on its second reading:

HB 1832, Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1832 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1832** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2785 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2785** at this time on its second reading:

HB 2785, Relating to the creation of the Select Committee on Economic Development.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2785 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2785** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MOTION TO PLACE

HOUSE BILL 2360 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **HB 2360** at this time on its second reading:

HB 2360, Relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.

Senator Ogden withdrew the motion to suspend the regular order of business.

CONGRATULATIONS EXTENDED

Senator West was recognized and, on behalf of the Senate, extended congratulations for the Dallas Mavericks' win over the Los Angeles Lakers.

CONFERENCE COMMITTEE ON HOUSE BILL 1555

Senator Ellis called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1555** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1555** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Ellis, Chair; Shapiro, Whitmire, Patrick, and Huffman.

(President in Chair)

SENATE RESOLUTION 935

Senator Fraser offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 82nd Legislature, Regular Session, 2011, That Senate Rule 12.03 be suspended in part as provided by Senate rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 14 (requirements to vote, including presenting proof of identification; providing criminal penalties), to consider and take action on the following matters:

(1) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 11 of the bill, in added Section 63.0012(a), Election Code, to read as follows:

(a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter 521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

Explanation: This change is necessary to update the cross-reference to reflect the addition of Chapter 521A, Transportation Code.

(2) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 14 of the bill, in amended Section 63.0101(1), Election Code, to read as follows:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not [or a similar document issued to the person by an agency of another state, regardless of whether the license or card has] expired or that expired no earlier than 60 days before the date of presentation;

Explanation: This change is necessary to update the list of acceptable forms of identification to reflect the addition of election identification certificates in Chapter 521A, Transportation Code.

(3) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 17 of the bill, in added Section 65.054(b)(2)(B), Election Code, to read as follows:

(B) notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or

Explanation: This change is necessary to clarify the religious objection exception to the requirement that a voter have photo identification to vote.

(4) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in proposed SECTION 18 of the bill, in added Section 65.0541(a), Election Code, to read as follows:

(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present a form of identification described by Section 63.0101 to the voter registrar for examination; or

(2) execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

Explanation: This change is necessary to update the cross-reference to reflect the addition of Section 65.054(b)(2)(C), Election Code.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either version of the bill by adding the following new SECTION to the bill:

SECTION 20. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 521A to read as follows:

CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a) The department shall issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

(b) The department may not collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) An election identification certificate may not be used or accepted as a personal identification certificate.

(d) An election officer may not deny the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) An election identification certificate must be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. The department may cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) The department may require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142.

(g) The department may cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) A certificate expires on a date specified by the department, except that a certificate issued to a person 70 years of age or older does not expire.

Explanation: This addition is necessary to provide election identification certificates to certain voters without charge to enable those voters to meet the photo identification requirements for voting.

SR 935 was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 14 ADOPTED

Senator Fraser called from the President's table the Conference Committee Report on **SB 14**. The Conference Committee Report was filed with the Senate on Wednesday, May 4, 2011.

On motion of Senator Fraser, the Conference Committee Report was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195, SB 1272, SB 1303, SB 1490, SB 1568, SB 1716, SJR 4, HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45.

SENATE BILL 201 WITH HOUSE AMENDMENTS

Senator Uresti called **SB 201** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 201** (house committee report) as follows:

SECTION _____. Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.231 to read as follows:

Sec. 23.231. LIMITATION ON APPRAISED VALUE OF RESIDENCE HOMESTEADS OF CERTAIN VETERANS. (a) This section applies only to a residence owned by a veteran of the armed services of the United States who receives from the United States Department of Veteran Affairs or its successor a disability rating of fifty percent or greater that is donated by and legal title transferred from a charitable organization described by Section 11.11(c) of this code.

(b) For the purpose of appraising property that is donated and transferred as provided by subsection (a) and qualifies under Sections 11.13 or 11.131 of this code as a residence homestead, the chief appraiser shall appraise the property at 30 percent of its market value.

Floor Amendment No. 1 on Third Reading

Amend Floor Amendment No. 1 to **SB 201** (second reading, as amended) by Callegari as follows:

(1) On page 1, line 11, strike "11.11(c)" and substitute "11.18(c)".

The amendments were read.

Senator Uresti moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 201** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Uresti, Chair; Hinojosa, Wentworth, Birdwell, and Williams.

SENATE BILL 893 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 893** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 893** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to motor fuel quality and testing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 12.020, Agriculture Code, is amended to read as follows:

(c) The provisions of law subject to this section and the applicable penalty amounts are as follows:

Provision	Amount of Penalty
[Chapter 41]	not more than \$5,000
Chapters 13, 14A, 17, 18, 19, 41, 46, 61, 72, 73, 74, 76, 94, 95, 101, 102, 103, 121, 125, 132, and 134	not more than \$5,000
[Subchapter B, Chapter 71]	
[Chapter 19]	
[Chapter 76]	not more than \$5,000
Subchapters A, B, and C, Chapter 71	
[Chapters 72, 73, and 74]	not more than \$5,000
Chapter 14	not more than \$10,000
Chapter 1951, Occupations Code	not more than \$5,000
Chapter 153, Natural Resources Code	not more than \$5,000.

SECTION 2. Subsection (a), Section 17.052, Agriculture Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a distributor, supplier, wholesaler, or jobber of motor fuel may not deliver to an outlet in this state a motor fuel mixture that contains ethanol or methanol exceeding one percent by volume of the mixture unless, at the time of the delivery of the mixture, the person also delivers to the outlet receiving the delivery[~~]:~~

~~[(1) signs required by Section 17.051 in a number sufficient for the dealer receiving the mixture to comply with that section; and~~

~~[(2) a manifest, bill of sale, bill of lading, or other document evidencing delivery of the mixture, that~~]:~~~~

~~[(A) includes a statement containing:~~

~~(1) [(+) the percentage of ethanol or methanol contained in the mixture; and~~

~~(2) [(+)] the types and percentages of any associated cosolvents contained in the mixture[~~]; and~~~~

~~[(B) evidences delivery of the signs required under Subdivision (1)].~~

SECTION 3. Section 17.053, Agriculture Code, is amended to read as follows:

Sec. 17.053. RECORD OF DELIVERY DOCUMENTS; INSPECTION AUTHORIZED. (a) Each dealer shall keep a copy of each document required to be delivered to the dealer by Section 17.052 until the fourth ~~[first]~~ anniversary of the

delivery date. ~~[During the first 60 days following delivery of a fuel mixture subject to this chapter, the dealer shall keep a copy at the station or retail outlet where the motor fuel was delivered.]~~

(b) Each distributor, supplier, wholesaler, and jobber of motor fuel shall keep ~~at the person's principal place of business~~ a copy of each document required to be delivered to the dealer by Section 17.052 until the fourth ~~[first]~~ anniversary of the delivery date.

(c) The commissioner or an authorized representative of the commissioner may inspect documents described by this section. On written notice presented by the commissioner or an authorized representative of the commissioner to any employee at a dealer's station or retail outlet or mailed to the principal place of business of a dealer, distributor, supplier, wholesaler, or jobber, the dealer, distributor, supplier, wholesaler, or jobber shall provide the commissioner or authorized representative of the commissioner with the documents described by this section within the period specified in the notice.

(d) The commissioner by rule may:

(1) require each dealer, distributor, supplier, wholesaler, and jobber to maintain and make available to the department:

(A) invoices, receipts, or other transmittal documents or records, including electronically stored information, showing or describing the purchase, sale, delivery, or distribution of motor fuel;

(B) invoices, receipts, work orders, reports, or other documents, including electronically stored information, showing or describing the installation, maintenance, or repair of:

(i) motor fuel dispensing devices; and

(ii) any equipment used in connection with motor fuel dispensing devices to record, display, or produce receipts or audit trails concerning the purchase, sale, delivery, or distribution of motor fuel; and

(C) any record or other document related to the sampling and testing of motor fuel purchased, sold, delivered, or distributed by the dealer, distributor, supplier, wholesaler, or jobber; and

(2) prescribe:

(A) ~~(1)~~ the manner of filing documents or records required to be kept under this section or by department rule; and

(B) ~~(2)~~ the time, place, and manner of inspection of the documents or records.

SECTION 4. Section 17.054, Agriculture Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The commissioner or an authorized representative of the commissioner may inspect a document required to be kept under this section. On written notice presented by the commissioner or an authorized representative of the commissioner to any employee at a dealer's station or retail outlet or mailed to the dealer's principal place of business, the dealer shall provide the commissioner or authorized representative of the commissioner with the documents described by this section within the period specified in the notice.

(d) The commissioner by rule may:

(1) require each dealer to maintain and make available to the department:

(A) invoices, receipts, or other transmittal documents or records, including electronically stored information, showing or describing the purchase, sale, delivery, or distribution of motor fuel;

(B) invoices, receipts, work orders, reports, or other documents, including electronically stored information, showing or describing the installation, maintenance, or repair of:

(i) motor fuel dispensing devices; and

(ii) any equipment used in connection with motor fuel dispensing devices to record, display, or produce receipts or audit trails concerning the purchase, sale, delivery, or distribution of motor fuel; and

(C) any record or other document related to the sampling and testing of motor fuel purchased, sold, delivered, or distributed by the dealer; and

(2) prescribe:

(A) the manner of filing documents or records required to be kept under this section or by department rule; and

(B) the time, place, and manner of inspection of the documents or records.

SECTION 5. Section 17.071, Agriculture Code, is amended to read as follows:

Sec. 17.071. MINIMUM MOTOR FUEL QUALITY AND TESTING STANDARDS. (a) The department by rule shall adopt minimum motor fuel quality and testing standards for motor fuel that is sold or offered for sale in this state. The standards must comply with the nationally recognized minimum standards established by:

(1) the American Society for Testing and Materials[~~as those standards existed on September 1, 2009~~], for motor fuels other than motor fuels blended with ethanol; and

(2) the National Institute of Standards and Technology, [~~as those standards existed on September 1, 2009, other than the standard vapor to liquid ratio specification~~] for motor fuels blended with ethanol.

(b) The department may adopt rules as necessary to bring about uniformity between the standards established under this subchapter and the nationally recognized standards described by Subsection (a).

SECTION 6. Section 17.073, Agriculture Code, is amended to read as follows:

Sec. 17.073. STOP-SALE ORDER; SHUTDOWN OF DISPENSING DEVICES. (a) If the department has reason to believe that motor fuel is in violation of this chapter or a rule adopted under this chapter, or that the motor fuel is being sold or offered for sale in a manner that violates this chapter or a rule adopted under this chapter, the department may:

(1) issue and enforce a written order to stop the sale of the motor fuel;

(2) place on a device used to dispense the motor fuel a tag or other mark with the words "Out of Order"; or

(3) stop the sale of the motor fuel and mark a device used to dispense the motor fuel as out of order.

(b) The department shall present an [the] order issued under this section to the dealer, distributor, jobber, supplier, or wholesaler who is in control of the motor fuel at the time the motor fuel or the dealer, distributor, jobber, supplier, or wholesaler of the motor fuel is inspected by the commissioner [is tested]. The person who receives the order may not sell [the] motor fuel subject to a stop-sale order or use a device on which the department has placed a tag or other mark under Subsection (a)(2) or (3) until the department determines that the motor fuel or device is in compliance with this chapter and department rules.

SECTION 7. Subsection (a), Section 17.155, Agriculture Code, is amended to read as follows:

(a) The department may impose an administrative penalty against a person regulated under this chapter who violates this chapter or a rule or order adopted under this chapter. An [Except as otherwise provided by this section, an] administrative penalty is imposed and collected in the manner provided by Section 12.020.

SECTION 8. Subsections (c) and (d), Section 17.051, and Subsections (b), (c), (d), (e), (f), (g), (h), and (i), Section 17.155, Agriculture Code, are repealed.

SECTION 9. The changes in law made by this Act apply only to an offense or other violation under Chapter 17, Agriculture Code, committed on or after the effective date of this Act. An offense or other violation committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or other violation was committed before the effective date of this Act if any element of the offense or violation was committed before that date.

SECTION 10. This Act takes effect September 1, 2011.

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 893**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1581 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1581** at this time on its second reading:

CSSB 1581, Relating to state fiscal matters related to public and higher education.

The motion prevailed.

Senators Ellis, Harris, Lucio, Nelson, Watson, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1581** (senate committee report) in SECTION 5.01 of the bill by striking proposed Section 63.0035, Education Code (page 2, line 54, through page 3, line 18), and substituting the following:

Sec. 63.0035. PARTIAL LIQUIDATION OF INSTITUTION'S SHARE; DISTRIBUTION OF FUND AFTER LIQUIDATION. (a) Subject to appropriation of the appropriate amounts, the board of regents of The University of Texas System shall transfer to each institution that is entitled in a state fiscal year to receive a distribution from the permanent fund established under this subchapter a one-time liquidation distribution for the state fiscal year ending August 31, 2012, and, for that fiscal year and each subsequent fiscal year, a reduced annual distribution as provided by this section.

(b) The board of regents of The University of Texas System, not later than November 1, 2011, shall:

(1) calculate the amount of each liquidation distribution in accordance with this section; and

(2) provide to all institutions entitled to receive a distribution from the permanent fund established under this subchapter written notice specifying:

(A) the amount of the liquidation distribution to be made to each institution in the state fiscal year ending August 31, 2012; and

(B) the amounts of the other distributions to be made in that fiscal year to each institution under this section from the per capita account and the formula account described by Subsection (c).

(c) As soon as practicable after the beginning of the state fiscal year ending August 31, 2012, the permanent fund shall be segregated into two accounts, the per capita account and the formula account. Notwithstanding any other law, distributions in that fiscal year and in subsequent fiscal years shall be made in accordance with this section and not in accordance with Section 63.003(a). The amount segregated into the per capita account is equal to 70 percent of the total value of the fund at the end of the preceding state fiscal year. The formula account is composed of the remaining 30 percent of that total value at the end of that preceding fiscal year.

(d) A liquidation distribution is an amount equal to one-third of the institution's fractional share of the value of the per capita account. An institution's fractional share of the per capita account is determined by multiplying the amount segregated into the per capita account by a fraction, the numerator of which is one and the denominator of which is the number of institutions that are entitled to receive a distribution from the permanent fund established under this subchapter.

(e) In the state fiscal year ending August 31, 2012, and in each subsequent fiscal year, the annual amount appropriated for distribution from the investment of the per capita account shall be distributed in equal shares to each institution.

(e-1) Subsection (e) does not apply to the amounts distributed as liquidation distributions in the state fiscal year ending August 31, 2012.

(f) In each state fiscal year in which distributions are made from the per capita account under Subsection (e), the amount appropriated for distribution from the investment of the formula account shall be distributed in equal portions with respect to each of the following categories, with each institution receiving a share in each category proportionate to the amount that the institution spent in that category in the preceding state fiscal biennium as determined by the institution's annual financial report, compared to the total spending of all institutions listed in Section 63.002(c) in that category in the preceding biennium:

(1) instructional expenditures;

(2) research expenditures; and

(3) unsponsored charity care.

(g) Except as otherwise provided by this section:

(1) Section 63.003(b) applies to amounts appropriated for distribution under Subsections (e) and (f) of this section; and

(2) Sections 63.003(c) and (d) apply to amounts appropriated for distribution under Subsection (f) of this section.

(h) The comptroller in consultation with the board of regents of The University of Texas System shall establish procedures to implement this section. A liquidation distribution shall be made in accordance with those procedures and in consultation with the institutions receiving the liquidation distribution.

(i) Any direct costs associated with liquidation distributions, including discounts on investment dispositions and related expenses realized by the permanent fund, shall be deducted in equal portions from the amounts of the liquidation distributions. The procedures established under Subsection (h) must provide for the minimization of any costs associated with making the liquidation distributions considering the liquidity of the investment assets of the fund.

(j) Notwithstanding other provisions of this subchapter, the amount distributed to an institution under this section as a liquidation distribution is under the exclusive control of the governing board of the institution and may be used by the institution in any manner for any lawful purpose. The comptroller shall establish procedures to ensure that a liquidation distribution to Baylor College of Medicine is used for public purposes consistent with a contract in effect under Section 61.092.

SECTION _____. Section 63.003(d), Education Code, is amended to read as follows:

(d) For the purposes of this section or Section 63.0035, Baylor College of Medicine may receive funds [~~under Subsection (a)(2)~~] only if the institution provides the comptroller with an independently audited schedule of information that substantially complies with the reporting requirements issued by the comptroller for other eligible institutions [~~under Subsection (a)(2)~~]. Information under this subsection must be supplied not later than the time other eligible institutions are required to submit similar information.

The amendment to **CSSB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1581** (senate committee printing) as follows:

(1) In ARTICLE 4 of the bill, in the heading to ARTICLE 4, between "TUITION" and "EXEMPTIONS" (page 2, line 21), insert "RATES AND".

(2) In ARTICLE 4 of the bill, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of ARTICLE 4 accordingly:

SECTION 4. ____. Section 54.052, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this section, a person who is not authorized by law to be present in the United States may not be considered a resident of this state for purposes of this title.

SECTION 4. ____. Section 54.055, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), an institution of higher education may not, on the basis of Section 54.052(c), reclassify as a nonresident of this state a student classified as a resident under Section 54.052(a)(3) if, not later than the beginning of the 2011-2012 academic year, the student has completed at least 30 semester credit hours at an institution of higher education.

SECTION 4. ____. Except as provided by Section 54.055(c), Education Code, as added by this article, a public institution of higher education in this state may, for any semester or academic term, before the beginning of that semester or academic term, reclassify as a nonresident a student previously classified as a resident of this state by the institution or another public institution of higher education in this state before the enactment of Section 54.052(c), Education Code, as added by this article, if the student is not authorized by law to be present in the United States.

BIRDWELL
HUFFMAN
NELSON

PATRICK
WENTWORTH

The amendment to **CSSB 1581** was read.

Senator Birdwell withdrew Floor Amendment No. 2.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1581** as follows:

(1) In the recital to SECTION 4.01 of the bill (page 2, lines 22 and 23), strike "Subsection (c), Section 54.214, Education Code, is amended" and substitute "Section 54.214, Education Code, is amended by amending Subsection (c) and by adding Subsection (c-1)"

(2) In SECTION 4.01 of the bill, on page 2, between lines 49 and 50, insert the following:

(c-1) Notwithstanding Subsection (c)(5), a person who previously received a tuition exemption under Section 54.214 remains eligible for an exemption if the person:

(1) is enrolled at an institution of higher education granting the exemption in courses required for teacher certification; and

(2) meets the eligibility requirements in (c) other than Subsection (c)(5).

The amendment to **CSSB 1581** was read.

On motion of Senator Ogden, Floor Amendment No. 3 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1581** (Senate Committee Report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE __. ADMINISTRATIVE MATTERS CONCERNING INSTITUTIONS OF HIGHER EDUCATION

SECTION __.01. Section 51.003, Education Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) The funds shall either be deposited in the depository bank or banks or invested as authorized by Chapter 2256, Government Code (Public Funds Investment Act). Funds that are to be deposited in the depository bank or banks must be deposited within seven days from the date of receipt by the institution [~~collection~~].

(f) Notwithstanding any other provision of this section, the governing board of each institution may maintain unsecured deposits in a foreign bank as necessary to support the institution's operations in a foreign country. The foreign bank must:

(1) be licensed and supervised by a central bank;

(2) be audited annually by an accounting firm that follows international financial reporting standards; and

(3) maintain a capital to total assets ratio that is not less than the greater of four percent or the minimum tier 1 capital to total assets ratio required for depository institutions insured by the Federal Deposit Insurance Corporation.

SECTION __.02. Subchapter A, Chapter 51, Education Code, is amended by amending Section 51.005 and adding Sections 51.010, 51.011, and 51.012 to read as follows:

Sec. 51.005. REPORTS. Each institution of higher education [(a) True and full accounts shall be kept by the governing board and by the employees of the institution of all funds collected from all sources and of all sums paid out and the persons to whom and the purposes for which the sums are paid. The governing board] shall prepare [annually print] a complete annual financial report as prescribed by Section 2101.011, Government Code [of all the sums collected, all expenditures, and all sums remaining on hand. The report shall show the true condition of all funds as of the August 31 preceding as well as the collections and expenditures for the preceding year.

[(b) Reports under this section must be in a form approved jointly by the coordinating board and the comptroller. The accounting and classification procedures of each institution must be consistent with uniform procedures prescribed for that purpose by the coordinating board and the comptroller. The requirements imposed by the coordinating board and the comptroller must be designed to reduce paperwork and duplicative reports.

~~[(e) The governing board shall furnish one copy of the report each to the governor, comptroller of public accounts, state auditor, Texas Higher Education Coordinating Board, Legislative Budget Board, House Appropriations Committee, Senate Finance Committee, and Legislative Reference Library. A copy of the report shall be submitted to the comptroller by the deadline established by the comptroller or the General Appropriations Act as necessary to prepare an audited comprehensive financial report. The governing board shall retain five copies of the report for distribution to legislators or other state officials on request].~~

Sec. 51.010. COLLECTION OF DELINQUENT OBLIGATIONS. If under the rules adopted by the attorney general under Chapter 2107, Government Code, an institution of higher education is not required to refer a delinquent obligation for collection to the attorney general, the institution is not required to expend resources for further collection efforts if, considering the amount, security, likelihood of collection, expense, and available resources, the institution determines that further collection should not be actively pursued.

Sec. 51.011. DISPOSITION OF SMALL CREDIT BALANCES. (a) This section applies to a credit balance of less than \$25 held by an institution of higher education that is presumed abandoned under Chapter 72, Property Code.

(b) An institution of higher education may maintain an unclaimed money fund and transfer to that fund a credit balance to which this section applies. A deposit to the unclaimed money fund does not affect the ownership of the amount deposited. The institution shall:

(1) adopt procedures for owners to make and receive payments of claims against the fund; and

(2) maintain a database that permits members of the public to search for ownership of unclaimed funds.

(c) The institution shall use the fund to pay the claims of persons establishing ownership of amounts transferred to the fund and shall hold and account for the unclaimed money fund as educational and general funds of the institution. If the fund balance is insufficient to pay a valid claim, the institution shall pay the claim from the institution's other educational and general funds.

(d) Each fiscal year, after deducting funds sufficient to pay anticipated expenses of and claims against the unclaimed money fund, the institution shall use the balance of the fund as other educational and general funds of the institution.

(e) In consultation with institutions of higher education, the comptroller by rule may establish minimum requirements for notice to owners of unclaimed money deposited in the unclaimed money fund and for charges for that notice. The rules may not provide stricter requirements than the comptroller applies for amounts of less than \$25 in the custody of the comptroller under Chapter 74, Property Code.

(f) If an institution of higher education maintains an unclaimed money fund under this section, Chapter 74, Property Code, does not apply to a credit balance to which this section applies.

Sec. 51.012. PAYMENTS BY ELECTRONIC FUNDS TRANSFER OR ELECTRONIC PAY CARD. An institution of higher education may make any payment, including a payment of salary or wages, through electronic funds transfer or by electronic pay card.

SECTION __.03. Section 65.42, Education Code, is amended to read as follows:

Sec. 65.42. DELINQUENT ACCOUNTS; VENUE. A suit by The University of Texas System on its own behalf or on behalf of a component institution of The University of Texas System to recover a delinquent loan, account, or debt owed to The University of Texas System or a component institution of The University of Texas System must ~~may~~ be brought in Travis County.

SECTION __.04. Section 1231.001, Government Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "State security" means:

(A) an obligation, including a bond, issued by:

(i) a state agency;

(ii) an entity that is expressly created by statute and has statewide jurisdiction; or

(iii) an entity issuing the obligation on behalf of this state or on behalf of an entity described by Subparagraph (i) or (ii);

(B) an installment sale or lease-purchase obligation that is issued by or on behalf of an entity described by Paragraph (A) and that has:

(i) a stated term of more than five years; or

(ii) an initial principal amount of more than \$250,000; or

(C) an obligation, including a bond, that is issued under Chapter 53, Education Code, at the request of or for the benefit of an institution of higher education ~~[as defined by Section 61.003, Education Code,]~~ other than a public junior college.

(3) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

SECTION __.05. Section 1231.041, Government Code, is amended to read as follows:

Sec. 1231.041. APPROVAL OF STATE SECURITY. (a) Except as otherwise provided by this section, an [A~~n~~] entity, including a state agency, may not issue a state security unless:

(1) the board approves the issuance; or

(2) the security is exempted under law, including a board rule adopted under Section 1231.022(2).

(b) A state security issued by an institution of higher education, or issued at the request of or for the benefit of an institution of higher education, is not subject to board approval unless the general revenue of the state is pledged to the payment of the security.

SECTION __.06. Section 74.001, Property Code, is amended by adding Subsection (c) to read as follows:

(c) This chapter does not apply to small credit balances held by an institution of higher education in an unclaimed money fund under Section 51.011, Education Code.

SECTION __.07. Section 51.923, Education Code, is amended to read as follows:

Sec. 51.923. QUALIFICATIONS OF CERTAIN BUSINESS ENTITIES TO ENTER INTO CONTRACTS WITH AN INSTITUTION OF HIGHER EDUCATION. (a) In this section:

(1) "Business entity" [~~"Corporation"~~] means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust [a corporation for profit organized under the laws of this state or under laws other than the laws of this state].

(2) "Governing board" has the meaning assigned by Section 61.003 [~~of this code~~].

(3) "Institution of higher education" has the meaning assigned by Section 61.003 [~~of this code~~].

(4) "Nonprofit corporation" means any organization exempt from federal income tax under Section 501 of the Internal Revenue Code of 1986 that does not distribute any part of its income to any member, director, or officer.

(b) A nonprofit corporation is not disqualified from entering into a contract or other transaction with an institution of higher education even though one or more members of the governing board of the institution of higher education also serves as a member, [~~or~~] director, officer, or employee of the nonprofit corporation.

(c) A business entity [~~corporation~~] is not disqualified from entering into a contract or other transaction with an institution of higher education even though one or more members of the governing board of the institution of higher education have an interest in the business entity, subject to Subsection (d) [also serves as a stockholder or director of the corporation provided that no member of the governing board owns or has a beneficial interest in more than five percent of the corporation's outstanding capital stock and further provided that the contract or transaction is:

~~(1) an affiliation, licensing, or sponsored research agreement; or~~

~~(2) awarded by competitive bidding or competitive sealed proposals].~~

(d) An institution of higher education is not prohibited from entering into a contract or other transaction with a business entity in which a member of the governing board of the institution of higher education has an interest if the interest is not a substantial interest or, if the interest is a substantial interest, the [described in this section if any] board member [having an interest described in this section in the contract or transaction] discloses that interest in a meeting held in compliance with Chapter 551, Government Code, and refrains from voting on the contract or transaction requiring board approval. Any such contract or transaction requiring board approval must be approved by an affirmative majority of the board members voting on the contract or transaction.

(e) For purposes of this section, a member of a governing board has a substantial interest in a business entity if:

(1) the member owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity;

(2) funds received by the member from the business entity exceed 10 percent of the member's gross income for the previous year;

(3) the member is an officer of the business entity or a member of the governing board of the business entity; or

(4) an individual related to the member in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has an interest in the business entity as described by Subdivision (1), (2), or (3).

(f) A violation of this section does not render an action of the governing board voidable unless the contract or transaction that was the subject of the action would not have been approved by the governing board without the vote of the member who violated this section.

SECTION __.08. Section 51.9335, Education Code, is amended by amending Subsections (d) and (f) and adding Subsections (g) and (h) to read as follows:

(d) Subtitle D, Title 10, Government Code, and Subchapter B, Chapter 2254, Government Code, do not apply to the acquisition of goods and services under this section, except that an institution must comply with any provision of those laws, or a rule adopted under a provision of those laws, [To the extent of any conflict, this section prevails over any other law, including Chapters 2155, 2156, 2157, 2158, 2167, and 2170, Government Code, except a law or rule] relating to contracting with historically underutilized businesses or relating to the procurement of goods and services from persons with disabilities. An institution of higher education may, but is not required to, acquire goods or services as provided by Subtitle D, Title 10 [Chapters 2155, 2156, 2157, 2158, 2167, and 2170], Government Code.

(f) This section does not apply to professional services as defined by Section 2254.002, Government Code. Professional services shall be procured in accordance with Subchapter A, Chapter 2254, Government Code.

(g) An institution of higher education may adopt rules and procedures for the acquisition of goods or services.

(h) In any contract for the acquisition of goods and services to which an institution of higher education is a party, a provision required by applicable law to be included in the contract is considered to be a part of the executed contract without regard to:

(1) whether the provision appears on the face of the contract; or

(2) whether the contract includes any provision to the contrary.

SECTION __.09. Subchapter Z, Chapter 51, Education Code, is amended by adding Sections 51.9336 and 51.9337 to read as follows:

Sec. 51.9336. ELECTRONIC AND DIGITAL SIGNATURES. (a) An institution of higher education or university system, as those terms are defined by Section 61.003, shall determine whether, and the extent to which, the institution or system will send and accept electronic or digital signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely on electronic or digital signatures. The institution or system may adopt rules and procedures governing the use of electronic or digital signatures.

(b) To the extent of any conflict, this section prevails over Chapter 322, Business & Commerce Code, and rules and guidelines adopted under that chapter.

Sec. 51.9337. INTERAGENCY CONTRACTS FOR INFORMATION RESOURCE TECHNOLOGIES. (a) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003.

(b) Section 2054.119, Government Code, does not apply to an interagency contract for information resources technologies between two or more institutions of higher education or between an institution of higher education or university system and one or more state agencies, institutions of higher education, or university systems.

SECTION __.10. Section 51.966, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Section 612.002(b), Government Code, does not apply to an institution of higher education or university system purchasing insurance under this section.

(d) In ~~As used in~~ this section, "governing board," ~~and~~ "institution of higher education," and "university system" have the meanings assigned by Section 61.003.

SECTION __.11. Subchapter C, Chapter 791, Government Code, is amended by adding Section 791.035 to read as follows:

Sec. 791.035. CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION OR UNIVERSITY SYSTEMS. (a) A local government and an institution of higher education or university system may contract with one another to perform any governmental functions and services. If the terms of the contract provide for payment based on cost recovery, any law otherwise requiring competitive procurement does not apply to the functions and services covered by the contract.

(b) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION __.12. Section 2054.008, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A university system or institution of higher education must provide written notice to the Legislative Budget Board under Subsection (b) only if the cost of the major information system exceeds \$1 million. In this subsection, "university system" has the meaning assigned by Section 61.003, Education Code.

SECTION __.13. Section 2155.078(n), Government Code, is amended to read as follows:

(n) This section does not apply to an institution ~~[a medical and dental unit]~~ to which Section 51.9335, Education Code, applies or to an institution to which Section 73.115, Education Code, applies.

SECTION __.14. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9611 to read as follows:

Sec. 51.9611. PAYROLL DEDUCTIONS FOR EMPLOYEES OF UNIVERSITY SYSTEM OR INSTITUTION OF HIGHER EDUCATION. (a) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003.

(b) The governing board of a university system, or of an institution of higher education that is not a component institution of a university system, may authorize employees of the system or institution, as applicable, to elect a payroll deduction for any purpose that the governing board determines serves a public purpose and benefits employees. The board may adopt policies and procedures governing payroll deductions under this section. A payroll deduction under this section is in addition to payroll deductions authorized by other law.

(c) A payroll deduction under this section must be at the written request of the employee, and the request must state the amount to be deducted and the entity to which the deducted amount is to be transferred. A payroll deduction is in effect until revoked in writing by the employee, but the policies and procedures of the system or institution, as applicable, may provide for enrollment periods.

(d) A system or institution may collect an administrative fee to cover the costs of making a deduction.

SECTION __.15. Section 1601.004(a), Insurance Code, is amended to read as follows:

(a) In this chapter, "dependent," with respect to an individual eligible to participate in the uniform program under Section 1601.101 or 1601.102, means the individual's:

- (1) spouse;
- (2) unmarried child younger than 25 years of age; and
- (3) child of any age who the system determines lives with or has the child's care provided by the individual on a regular basis if the child is mentally retarded or physically incapacitated to the extent that the child is dependent on the individual for care or support, as determined by the system, and:

(A) if the child is at least 25 years of age, the child's coverage under this chapter has not lapsed, and the child was enrolled as a participant in the health benefits coverage under the uniform program on the date of the child's 25th birthday;
or

(B) if the child is a child of an individual eligible to participate as an employee under Section 1601.101, at the time of the individual's initial enrollment in health benefits coverage under the uniform program the child is at least 25 years of age and is enrolled in comparable coverage, as determined by the system, under the individual's previous health benefits coverage.

SECTION __.16. Subchapter C, Chapter 1601, Insurance Code, is amended by adding Section 1601.111 to read as follows:

Sec. 1601.111. PROGRAMS PROMOTING DISEASE PREVENTION, WELLNESS, AND HEALTH. A system may establish premium discounts, surcharges, rebates, or a revision in otherwise applicable copayments, coinsurance, or deductibles, or any combination of those incentives, for an individual who participates in system-approved programs promoting disease prevention, wellness, and health.

SECTION __.17. Section 1601.201(d), Insurance Code, is amended to read as follows:

(d) Subsection (c) does not prohibit a system from contributing, from money not appropriated from the general revenue fund, amounts in excess of the amount specified by that subsection for:

(1) an individual employed by the system in a position that as a condition of employment requires the individual to be enrolled as a student in the system in graduate level courses; or

(2) an individual who is a tenured faculty member with whom the system has entered into a phased retirement agreement under which the individual will work less than 60 hours a week for a specified period of time at the end of which the individual will retire.

SECTION __.18. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0573 to read as follows:

Sec. 61.0573. PROJECTS EXEMPT FROM BOARD APPROVAL. (a) In this section, "project" means the acquisition of improved or unimproved real property or the construction, repair, or rehabilitation of a building or other facility.

(b) Board approval of a project at an institution of higher education is not required under Section 61.0572 or 61.058 if the institution notifies the board of the project and certifies to the board that:

(1) the institution meets the current published board standards applicable to the institution for space need, usage efficiency, deferred maintenance, and critical deferred maintenance or the board has approved the institution's plan to correct any deficiencies in the institution's compliance with those applicable standards;

(2) the project meets current published board standards applicable to the project for cost, efficiency, and space use;

(3) the project is identified on the institution's campus master plan, as submitted to the board; and

(4) the institution has no deficiencies according to the board's most recent facilities audit or the board has approved the institution's plan to correct any such deficiencies.

(c) The board's staff shall promptly review a certification submitted under Subsection (b) and notify the institution whether the certification is sufficient and whether the information certified is consistent with the records of the board. If the staff review determines that the certification is sufficient and that the information certified is consistent with the records of the board, the project is considered approved by the board.

(d) This section does not apply to a project that is a new branch campus or a new higher education center.

SECTION __.19. Section 2166.302(c), Government Code, is amended to read as follows:

(c) Subsection (a) does not apply to a project constructed by and for the Texas Department of Transportation or an institution of higher education or university system. In this subsection, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION __.20. Section 2166.403(c-1), Government Code, is amended to read as follows:

(c-1) For a project constructed by and for a state institution of higher education, the [~~governing body of the~~] institution shall, during the planning phase of the proposed construction for the project, verify [~~in an open meeting~~] the economic feasibility of incorporating into the building's design and proposed energy system alternative energy devices for space heating and cooling functions, water heating functions, electrical load functions, and interior lighting functions. The [~~governing body of the~~] institution shall determine the economic feasibility of each function listed in this subsection by comparing the estimated cost of providing energy for the function, based on the use of conventional design practices and energy systems, with the estimated cost of providing energy for the function, based on the use of alternative energy devices, during the economic life of the building.

SECTION __.21. Section 2167.001(b), Government Code, is amended to read as follows:

(b) This chapter does not apply to:

- (1) radio antenna space;
- (2) residential space for a Texas Department of Mental Health and Mental Retardation program;
- (3) residential space for a Texas Youth Commission program;
- (4) space to be used for less than one month for meetings, conferences, conventions, seminars, displays, examinations, auctions, or similar purposes;
- (5) district office space for members of the legislature;
- (6) space used by the Texas Workforce Commission;
- (7) residential property acquired by the Texas Department of Housing and Community Affairs or the Texas State Affordable Housing Corporation that is offered for sale or rental to individuals and families of low or very low income or families of moderate income;
- (8) except as provided by Section 2167.007, [~~classroom and instructional~~] space for a university system or [an] institution of higher education; or
- (9) space leased by the Texas Veterans Commission to administer the veterans employment services program.

SECTION __.22. Section 33.06, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) If the ownership interest of an individual entitled to a deferral under this section is a life estate, a lien for the deferred tax attaches to the estate of the life tenant, and not to the remainder interest, if the owner of the remainder is an institution of higher education that has not consented to the deferral. In this subsection, "institution of higher education" has the meaning assigned by Section 61.003, Education Code. This subsection does not apply to a deferral for which the individual entitled to the deferral filed the affidavit required by Subsection (b) before September 1, 2011.

SECTION __.23. Section 552.123, Government Code, is amended to read as follows:

Sec. 552.123. EXCEPTION: NAME OF APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION. The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from the requirements of Section 552.021, except that the governing body of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person.

SECTION __.24. Section 95.006(b), Health and Safety Code, is amended to read as follows:

(b) The advisory committee is composed of:

- (1) the following representatives appointed by the executive director of the office:
 - (A) one representative of the office;
 - (B) one representative of the Texas Education Agency;
 - (C) one representative of the Texas Pediatric Society;

(D) one representative of the American Diabetes Association;

(E) ~~[one representative who is a member of the board of regents of The University of Texas Pan American;~~

~~[(F)]~~ one school nurse representative from an urban school located within the boundaries of a regional education service center;

(F) ~~[(G)]~~ one parent or guardian of a child who resides within the boundaries of a regional education service center; and

(G) ~~[(H)]~~ one person with knowledge and experience in health care in school settings; and

(2) the following representatives appointed by the chairman of the council:

(A) one representative of the council;

(B) one representative of the Texas Medical Association;

(C) one school district administrator representative from a school district located within the boundaries of a regional education service center;

(D) one school principal representative from a school district located within the boundaries of a regional education service center; and

(E) one school nurse representative from a rural school located within the boundaries of a regional education service center.

SECTION __.25. Sections 2.03(a) and (c), Chapter 670, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4477-7j, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) On or after the effective date of this Act, the Commissioners Court of Gaines County shall appoint three persons, the governing body of the city of Seminole shall appoint two persons, and the governing body of the city of Seagraves shall appoint two persons to serve as initial directors of the district. The four persons appointed by the governing bodies of the cities of Seminole and Seagraves shall represent the municipalities within the county, and the three persons appointed by the Commissioners Court of Gaines County shall represent the unincorporated areas of the county. ~~[In addition, the board of regents of The University of Texas System shall appoint one person to serve as an ex-officio, nonvoting director of the district.]~~

(c) The Commissioners Court of Gaines County and the governing bodies of the cities of Seminole and Seagraves shall each appoint one initial director to serve a term expiring on May 1 of the first year after the year in which the original appointment is made. In addition, the Commissioners Court of Gaines County shall appoint two initial directors and the governing bodies of the cities of Seminole and Seagraves shall each appoint one initial director to serve terms expiring on May 1 of the second year after the year in which the original appointment is made. ~~[The initial ex-officio member serves a term expiring on May 1 of the second year after the year in which the original appointment is made.]~~ Successor directors serve two-year terms.

SECTION __.26. Section 3.01(a), Chapter 670, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4477-7j, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The district is governed by a board of directors composed of seven voting members ~~[and one ex-officio nonvoting member]~~ who are appointed as provided by this Act. However, the district shall change to a system of electing the voting directors if:

(1) the Commissioners Court of Gaines County and the governing bodies of the cities of Seminole and Seagraves each pass a resolution calling for the election of the directors; or

(2) the board receives a petition signed by at least 150 registered voters of Gaines County calling for the election of the directors.

SECTION __.27. Section 51.403(d), Education Code, is amended to read as follows:

(d) For purposes of this subsection, "small classes" ~~[Each institution shall file with its governing board and the coordinating board a small class report, excluding individual instruction courses, indicating department, course number, title of course, and the name of the instructor. "Small classes," for the purpose of this report,]~~ are undergraduate-level courses with less than 10 registrations, and graduate-level courses with less than 5 registrations. No small classes shall be offered in any institution except as authorized by the appropriate governing board, within the guidelines established by the Coordinating Board.

SECTION __.28. Subchapter H, Chapter 51, Education Code, is amended by adding Section 51.406 to read as follows:

Sec. 51.406. EXPIRATION OF CERTAIN REPORTING REQUIREMENTS APPLICABLE TO INSTITUTIONS OF HIGHER EDUCATION AND UNIVERSITY SYSTEMS. (a) In this section, "university system" has the meaning assigned by Section 61.003.

(b) To the extent that any of the following laws require reporting by a university system or an institution of higher education, a university system or institution of higher education is not required to make the report on or after September 1, 2013, unless legislation enacted by the 83rd Legislature that becomes law expressly requires the institution or system to make the report:

- (1) Section 7.109;
- (2) Section 33.083;
- (3) Section 51.0051;
- (4) Section 59.07;
- (5) Section 130.086;
- (6) Section 325.007, Government Code;
- (7) Section 669.003, Government Code;
- (8) Section 2005.007, Government Code;
- (9) Section 2052.103, Government Code;
- (10) Section 2054.097, Government Code;
- (11) Section 2101.011, Government Code;
- (12) Section 2102.009, Government Code;
- (13) Chapter 2114, Government Code; and
- (14) Section 2205.041, Government Code.

(c) A rule or policy of a state agency, including the Texas Higher Education Coordinating Board, in effect on June 1, 2011, that requires reporting by a university system or an institution of higher education has no effect on or after September 1, 2013, unless the rule or policy is affirmatively and formally readopted before that date by formal administrative rule published in the Texas Register and adopted in compliance with Chapter 2001, Government Code. This subsection does not apply to:

- (b);
- (1) a rule or policy for which the authorizing statute is listed in Subsection
- (2) a rule or policy for which the authorizing statute is repealed on or before
September 1, 2013, by legislation enacted by the legislature that becomes law; or
- (3) a report required under any of the following laws:
- (A) Section 51.005;
(B) Section 51.3062;
(C) Section 51.402;
(D) Section 56.039;
(E) Section 61.051(k);
(F) Section 61.059; or
(G) Section 62.095(b).

SECTION __.29. Section 51.914, Education Code, is amended to read as follows:

Sec. 51.914. PROTECTION OF CERTAIN INFORMATION. (a) In order to protect the actual or potential value, the following information is ~~shall be~~ confidential and is ~~shall~~ not ~~be~~ subject to disclosure under Chapter 552, Government Code, or otherwise:

(1) all information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee;

(2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties; or

(3) the plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

(b) Information maintained by or for an institution of higher education that would reveal the institution's plans or negotiations for commercialization or research, or that consists of unpublished research results or data, is not subject to Chapter 552, Government Code, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. In this subsection, "institution of higher education" has the meaning assigned by Section 61.003.

SECTION __.30. Section 61.051(h), Education Code, is amended to read as follows:

(h) The board shall make continuing studies of the needs of the state for research and designate the institutions of higher education to perform research as needed. The board shall also maintain an inventory of all institutional and programmatic research activities being conducted by the various institutions, whether state-financed or not. Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the last preceding year. The submission by an institution of the institution's response to the National Science Foundation's annual Higher Education Research and Development Survey satisfies the requirements of this section. All reports required by this subsection shall be made subject to the limitations imposed by security regulations governing defense contracts for research.

SECTION __.31. Section 61.0582, Education Code, is amended by adding Subsection (f) to read as follows:

(f) This section does not apply to a university system that maintains an ongoing system-wide capital improvement program approved by the system's board of regents.

SECTION __.32. Section 130.152, Education Code, is amended to read as follows:

Sec. 130.152. CRITERIA FOR PROGRAMS FOR THE DISADVANTAGED. A junior college may develop programs to serve persons from backgrounds of economic or educational deprivation by submission of a plan based on the following criteria to the Texas Higher Education Coordinating Board, ~~the Texas College and University System~~:

(1) an instructional program that accommodates the different learning rates of students and compensates for prior economic and educational deprivation;

(2) an unrestricted admissions policy allowing the enrollment of any person 18 years of age or older with a high school diploma or its equivalent who can reasonably be expected to benefit from instruction;

(3) the assurance that all students, regardless of their differing programs of study, will be considered, known, and recognized as full members of the student body, provided that the administrative officers of a junior college may deny admission to a prospective student or attendance of an enrolled student if, in their judgment, the person [he] would not be competent to benefit from a program of the college, or would by the person's [his] presence or conduct create a disruptive atmosphere within the college not consistent with the statutory purposes of the college;

~~(4) [the submission of a plan for a financial aid program which removes to the maximum extent possible the financial barriers to the educational aspirations of the citizens of this state;~~

~~[(5) an annual evaluation report based on scientific methods and utilizing control groups wherever possible to be submitted to the coordinating board at the end of each school year, covering each remedial compensatory course or program offered at the college;~~

~~[(6)] any other criteria consistent with the provisions of this subchapter specified by the coordinating board; and~~

~~(5) [(7)] a junior college must obtain approval of the coordinating board [Coordinating Board, Texas College and University System,] before offering any courses under the provisions of this Act.~~

SECTION __.33. Section 401.042, Government Code, is amended by adding Subsection (c) to read as follows:

(c) In consultation with public institutions of higher education, the offices of the governor and the Legislative Budget Board shall review the forms for higher education legislative appropriations requests to identify opportunities to improve efficiency, provide better transparency of funding sources, eliminate unnecessary or duplicative requirements, and otherwise reduce the cost or difficulty of providing information related to appropriations requests.

SECTION __.34. Subchapter L, Chapter 403, Government Code, is amended by adding Section 403.2715 to read as follows:

Sec. 403.2715. UNIVERSITY SYSTEMS AND INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) Except as provided by this section, this subchapter does not apply to a university system or institution of higher education.

(c) A university system or institution of higher education shall account for all personal property as defined by the comptroller under Section 403.272. At all times, the property records of a university system or institution of higher education must accurately reflect the personal property possessed by the system or institution.

(d) The chief executive officer of each university system or institution of higher education shall designate one or more property managers. The property manager shall maintain the records required and be the custodian of all personal property possessed by the system or institution.

(e) Sections 402.273(h), 403.275, and 403.278 apply to a university system or institution of higher education.

SECTION __.35. Section 2101.0115(d), Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION __.36. Section 2101.0115, Government Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to an institution of higher education or university system.

SECTION __.37. Section 2254.028(c), Government Code, is amended to read as follows:

(c) Subsection (a) [~~(a)(3)~~] does not apply to a major consulting services contract to be entered into by an institution of higher education other than a public junior college if the institution includes in the invitation published under Section 2254.029 a finding by the chief executive officer of the institution that the consulting services are necessary and an explanation of that finding.

SECTION __.38. Section 2254.0301, Government Code, is amended to read as follows:

Sec. 2254.0301. CONTRACT NOTIFICATION. (a) A state agency shall provide written notice to the Legislative Budget Board of a contract for consulting services if the amount of the contract, including an amendment, modification,

renewal, or extension of the contract, exceeds \$14,000. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 10th day after the date the entity enters into the contract.

(b) This section does not apply to a university system or institution of higher education. In this subsection, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION __.39. Section 388.005(f), Health and Safety Code, is amended to read as follows:

(f) This section does not apply to a state agency or an institution of higher education that the State Energy Conservation Office determines [~~that~~], before September 1, 2007, adopted a plan for conserving energy under which the agency or institution established a percentage goal for reducing the consumption of electricity. The exemption provided by this section applies only while the agency or institution has an energy conservation plan in effect and only if the agency or institution submits reports on the conservation plan each year [~~calendar quarter~~] to the governor, the Legislative Budget Board, and the State Energy Conservation Office.

SECTION __.40. Section 412.053, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to an institution of higher education or university system. In this subsection, "institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

SECTION __.41. Section 31.153(d), Natural Resources Code, is amended to read as follows:

(d) Each state agency, other than an institution of higher education, annually at the time set by the division, shall furnish the Texas Historical Commission with a photograph and information that specifies and identifies the age of each building:

- (1) that was acquired by the agency after the date of the preceding annual submission and that is at least 45 years old on the date of the current submission; or
- (2) that is possessed by the agency and has become 45 years old since the date the information was previously submitted.

SECTION __.42. (a) The following laws are repealed effective September 1, 2011:

- (1) Section 51.216, Education Code;
- (2) Sections 51.403(b) and (c), Education Code;
- (3) Section 51.4033, Education Code;
- (4) Section 61.0815, Education Code;
- (5) Section 61.086, Education Code;
- (6) Section 61.087(c), Education Code;
- (7) Section 62.098, Education Code;
- (8) Section 1434.054, Government Code;
- (9) Section 2107.005, Government Code;
- (10) Section 412.042(c), Labor Code; and
- (11) Section 3.01(c), Chapter 670, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4477-7j, Vernon's Texas Civil Statutes).

(b) The following provisions of the Education Code are repealed effective September 1, 2013:

- (1) Section 51.859;
- (2) Section 51.917(e);
- (3) Section 51.968(d);
- (4) Section 54.203(h);
- (5) Section 56.034(c);
- (6) Section 56.079(j);
- (7) Section 61.066(c);
- (8) Section 63.003(d);
- (9) Section 63.004;
- (10) Section 63.103;
- (11) Section 86.52(m);
- (12) Section 88.210;
- (13) Section 106.54;
- (14) Section 142.005;
- (15) Section 143.006;
- (16) Section 147.005;
- (17) Section 148.005; and
- (18) Section 153.008.

SECTION __.43. (a) This section governs a conflict between this article and any other Act of the 82nd Legislature, Regular Session, 2011, without regard to the relative dates of enactment.

(b) If this article and any other Act repeal the same statute, the earlier effective date of repeal controls.

(c) If this article amends a statute that any other Act repeals, the repeal controls.

SECTION __.44. Section 51.011, Education Code, as added by this article, applies to credit balances held by a public institution of higher education on or after the effective date of this article.

SECTION __.45. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to **CSSB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1581** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) Except as otherwise provided by this section, a license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education in this state.

(c) Except as provided by Subsection (d), an institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories that are owned or operated by the institution and located on the campus of the institution.

(e) This section does not permit a license holder to carry a concealed handgun on or about the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(f) This section does not permit a license holder to carry a concealed handgun on the premises of a preschool, elementary school, or secondary school that is located on the campus of an institution of higher education if the institution gives effective notice under Section 30.06, Penal Code.

SECTION ____. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, or a peace officer if the act or failure to act was capricious or arbitrary.

(f) For purposes of this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. LIABILITY INSURANCE PREMIUMS. An insurance company doing business in this state may not increase the amount of the liability insurance premiums charged to an institution of higher education in this state solely because license holders are permitted to carry handguns on campus under Section 411.2031.

SECTION _____. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j) and (k) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the physical premises of an institution of higher education or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(2) [~~4~~] "Premises" has the meaning assigned by Section 46.035.

(3) [~~2~~] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the physical premises of an institution of higher education. This subsection does not apply if the actor was not given effective notice under Section 30.06.

SECTION _____. Section 46.11(c)(1), Penal Code, is amended to read as follows:

(1) "Premises" has the meaning [~~"institution of higher education" and "premises" have the meanings~~] assigned by Section 481.134, Health and Safety Code.

SECTION _____. Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. Sections 46.03(a) and (c), Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

The amendment to **CSSB 1581** was read.

Question — Shall Floor Amendment No. 5 to **CSSB 1581** be adopted?

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Honorary Senate Page, Austin Landon, and his parents, Mr. and Mrs. Michael Landon, Jr.

The Senate welcomed its guests.

AT EASE

The President at 3:06 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 3:25 p.m. called the Senate to order as In Legislative Session.

Question — Shall Floor Amendment No. 5 to **CSSB 1581** be adopted?

Senator West moved to table Floor Amendment No. 5.

The motion to table was lost by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Nays: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Senator Davis offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

Amend Floor Amendment No. 5 to **CSSB 1581** as follows:

(1) In added Section 411.2031(a)(2), Government Code (page 1, line 10), strike "Institution of higher education" and " and substitute "Governing board," "institution of higher education," and.

(2) In added Section 411.2031(c), Government Code (page 1, line 18), strike "provided by Subsection (d)" and substitute "otherwise provided by this section".

(3) In added Section 411.2031, Government Code (page 1, between lines 25 and 26), insert the following subsection:

(e) An institution of higher education in this state may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution if the governing board of the institution approves the rules, regulations, or other provisions by majority vote.

(4) In added Section 411.2031, Government Code (page 1, line 26), strike "(e)" and substitute "(f)".

(5) In added Section 411.2031, Government Code (page 2, line 2), strike "(f)" and substitute "(g)".

(6) In amended Section 411.208(a), Government Code (page 2, lines 12-13), strike "higher education, an officer or employee of an institution of higher education," and substitute "higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

(7) In amended Section 411.208(b), Government Code (page 2, lines 22-24), strike "an institution of higher education, an officer or employee of an institution of higher education," and substitute "or institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

(8) In amended Section 411.208(d), Government Code (page 2, lines 29-31), strike "institution of higher education, an officer or employee of an institution of higher education," and substitute "institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

The amendment to Floor Amendment No. 5 to **CSSB 1581** was read.

On motion of Senator Wentworth, Floor Amendment No. 6 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 5 to **CSSB 1581**, the amendment was adopted by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 1581** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE ____ FISCAL MATTERS CONCERNING DISCOUNTED UTILITY RATES FOR CERTAIN SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION

SECTION _____.01. Section 36.351, Utilities Code, is reenacted and amended to read as follows:

Sec. 36.351. DISCOUNTED RATES FOR CERTAIN SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION. (a) Notwithstanding any other provision of this title, each electric utility and transmission and distribution utility and, except as provided by Subsection (d-1), each municipally owned utility shall discount charges for electric service provided to a facility of a four-year state university, upper-level institution, Texas State Technical College, junior [or] college, independent school district, or open-enrollment charter school.

(b) The discount is a 20-percent reduction of the utility's base rates that would otherwise be paid under the applicable tariffed rate. The discount shall be provided either directly to an educational entity described by Subsection (a) or to a retail electric provider that also provides service to the educational entity.

(b-1) A retail electric provider that receives a discount under Subsection (b) shall apply the discount to an educational entity described by Subsection (a) as a credit in an amount equal to the amount of the discount. The commission may suspend, revoke, or amend the certificate of a retail electric provider that does not apply the discount as required by this subsection. The commission shall impose an administrative penalty on a retail electric provider that does not apply the discount as required by this subsection.

(c) An electric or municipally owned utility is exempt from this section if the 20-percent discount results in a reduction equal to more than one percent of the utility's total annual revenues.

(d) A municipally owned utility is exempt from this section if the municipally owned utility, on September 1, 1995, discounted base commercial rates for electric service provided to all four-year state universities or colleges in its service area by 20 percent or more.

(d-1) A municipally owned utility is exempt from the requirement to discount charges for electric service provided to a junior college, independent school district, or open-enrollment charter school.

(e) This section does not apply to a rate charged to an institution of higher education by a municipally owned utility that provides a discounted rate to the state for electric services below rates in effect on January 1, 1995, if the discounted rate provides a greater financial discount to the state than is provided to the institution of higher education through the discount provided by this section.

(f) An investor-owned electric utility may not recover from residential customers or any other customer class the assigned and allocated costs of serving an educational entity [a state university or college] that receives a discount under this section. After September 1, 2011, an investor-owned electric utility is subject to the requirements of this subsection unless a regulatory authority authorizes other ratemaking treatment.

(g) Each electric utility shall file tariffs with the commission reflecting the discount required under this section. The initial tariff filing is not a rate change for purposes of Subchapter C.

(h) This section has been in full force and effect since September 1, 1995, as to the discount required for electric service provided by an electric utility, including a transmission and distribution utility, or a municipally owned utility to a facility of a four-year state university, upper-level institution, Texas State Technical College, or college. Neither Section 63, Chapter 405 (S.B. 7), Acts of the 76th Legislature, Regular Session, 1999, nor the decision of the commission in the commission's Docket No. 35717 or any other ruling or order by the commission terminated or excused the continuing obligation of a transmission and distribution utility, any other electric utility, or a municipally owned utility to provide the discounts required by this section.

SECTION __.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to **CSSB 1581** was read.

On motion of Senator Ogden, Floor Amendment No. 7 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 1581** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE __. FISCAL MATTERS CONCERNING THE STATE
COMPRESSION PERCENTAGE

SECTION _____. Section 42.2516, Education Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) If a school district adopts a maintenance and operations tax rate that is below the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, the commissioner shall reduce the district's entitlement under this section in proportion to the amount by which the adopted rate is less than the rate equal to the product of the state compression percentage multiplied by the rate adopted by the district for the 2005 tax year. The reduction required by this subsection applies beginning with the maintenance and operations tax rate adopted for the 2009 tax year.

HEGAR
ELTIFE

The amendment to **CSSB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 1581** (Senate Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 161, Health and Safety Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. FEE ON CIGARETTES AND CIGARETTE TOBACCO PRODUCTS

MANUFACTURED BY CERTAIN COMPANIES

Sec. 161.601. PURPOSE. The purpose of this subchapter is to:

(1) recover health care costs to the state imposed by nonsettling manufacturers;

(2) prevent nonsettling manufacturers from undermining this state's policy of reducing underage smoking by offering cigarettes and cigarette tobacco products at prices that are substantially below the prices of cigarettes and cigarette tobacco products of other manufacturers;

(3) protect the tobacco settlement agreement and funding, which has been reduced because of the growth of sales of nonsettling manufacturer cigarettes and cigarette tobacco products, for programs that are funded wholly or partly by payments to this state under the tobacco settlement agreement and recoup for this state settlement payment revenue lost because of sales of nonsettling manufacturer cigarettes and cigarette tobacco products; and

(4) provide funding for certain health-related institutions of higher education for any purpose the legislature determines.

Sec. 161.602. DEFINITIONS. In this subchapter:

(1) "Brand family" means each style of cigarettes or cigarette tobacco products sold under the same trademark. The term includes any style of cigarettes or cigarette tobacco products that have a brand name, trademark, logo, symbol, motto,

selling message, recognizable pattern of colors, or other indication of product identification that is identical to, similar to, or identifiable with a previously known brand of cigarettes or cigarette tobacco products.

(2) "Cigarette" means any product that contains nicotine and is intended to be burned or heated under ordinary conditions of use. The term includes:

(A) a roll of tobacco wrapped in paper or another substance that does not contain tobacco;

(B) tobacco, in any form, that is functional in a product that, because of the product's appearance, the type of tobacco used in the filler, or the product's packaging and labeling, is likely to be offered to or purchased by a consumer as a cigarette; or

(C) a roll of tobacco wrapped in any substance containing tobacco that, because of the product's appearance, the type of tobacco used in the filler, or the product's packaging and labeling, is likely to be offered to or purchased by a consumer as a cigarette.

(3) "Cigarette tobacco product" means roll-your-own tobacco or tobacco that, because of the tobacco's appearance, type, packaging, or labeling, is suitable for use in making cigarettes and is likely to be offered to or purchased by a consumer for that purpose.

(4) "Distributor" has the meaning assigned by Section 154.001 or 155.001, Tax Code, as appropriate.

(5) "Manufacturer" means a person that manufactures, fabricates, or assembles cigarettes for sale or distribution. For purposes of this subchapter, the term includes a person that is the first importer into the United States of cigarettes and cigarette tobacco products manufactured, fabricated, or assembled outside the United States.

(6) "Nonsettling manufacturer" means a manufacturer of cigarettes that did not sign the tobacco settlement agreement.

(7) "Nonsettling manufacturer cigarettes" means cigarettes manufactured, fabricated, assembled, or imported by a nonsettling manufacturer.

(8) "Nonsettling manufacturer cigarette tobacco products" means cigarette tobacco products manufactured, fabricated, assembled, or imported by a nonsettling manufacturer.

(9) "Tobacco settlement agreement" means the Comprehensive Settlement Agreement and Release filed on January 16, 1998, in the United States District Court, Eastern District of Texas, in the case styled The State of Texas v. The American Tobacco Co., et al., No. 5-96CV-91, and all subsequent amendments.

Sec. 161.603. FEE IMPOSED. (a) A fee is imposed on the sale, use, consumption, or distribution in this state of:

(1) nonsettling manufacturer cigarettes if a stamp is required to be affixed to a package of those cigarettes under Chapter 154, Tax Code;

(2) nonsettling manufacturer cigarettes that are sold, purchased, or distributed in this state but that are not required to have a stamp affixed to a package of those cigarettes under Chapter 154, Tax Code;

(3) nonsettling manufacturer cigarette tobacco products that are subject to the tax imposed by Section 155.0211, Tax Code; and

(4) nonsettling manufacturer cigarette tobacco products that are sold, purchased, or distributed in this state but that are not subject to the tax imposed by Section 155.0211, Tax Code.

(b) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are:

(1) included in computing payments due to be made by a settling manufacturer under the tobacco settlement agreement; or

(2) sold, purchased, or otherwise distributed in this state for retail sale outside this state.

(c) The fee imposed by this subchapter is in addition to any other privilege, license, fee, or tax required or imposed by state law.

(d) Except as otherwise provided by this subchapter, the fee imposed by this subchapter is imposed, collected, paid, administered, and enforced in the same manner, taking into account that the fee is imposed on nonsettling manufacturers, as the taxes imposed by Chapters 154 and 155, Tax Code, as appropriate.

Sec. 161.604. RATE OF FEE. (a) Except as provided by Subsection (b), the fee is imposed at the rate of 2.15 cents for:

(1) each nonsettling manufacturer cigarette; and

(2) each 0.09 ounce of nonsettling manufacturer cigarette tobacco product.

(b) On January 1 of each year, the comptroller shall increase the rate of the tax prescribed by Subsection (a) by the greater of:

(1) three percent; or

(2) the percentage increase in the most recent annual revised Consumer Price Index for All Urban Consumers, as published by the Federal Bureau of Labor Statistics of the United States Department of Labor.

Sec. 161.605. NONSETTLING MANUFACTURER CIGARETTES AND CIGARETTE TOBACCO PRODUCTS FOR RETAIL SALE OUTSIDE THIS STATE. (a) Except as provided by Subsection (b), a person may not transport or cause to be transported from this state nonsettling manufacturer cigarettes or cigarette tobacco products for retail sale in another state unless:

(1) the packages of the cigarettes or cigarette tobacco products bear the tax stamps of the state in which the cigarettes or cigarette tobacco products are to be sold and the stamps are affixed in accordance with the laws of that state; or

(2) if the state does not require a tax stamp, all excise taxes imposed on the cigarettes or cigarette tobacco products by the state in which they are to be sold have been paid in accordance with the laws of that state.

(b) A person is not required to affix a tax stamp of another state or pay the excise tax of another state before transporting the nonsettling manufacturer cigarettes or cigarette tobacco products out of this state if:

(1) the state the cigarettes or cigarette tobacco products are being transported to prohibits that action; and

(2) the cigarettes or cigarette tobacco products are being sold to a wholesaler licensed by that state.

Sec. 161.606. DISTRIBUTOR'S REPORT. (a) A distributor required to file a report under Section 154.210 or 155.111, Tax Code, shall, in addition to the information required by those sections, include in that required report, as appropriate:

(1) the number and denominations of stamps affixed to individual packages of nonsettling manufacturer cigarettes during the preceding month;

(2) the amount of nonsettling manufacturer cigarette tobacco products subject to the tax imposed by Section 155.0211, Tax Code, during the preceding month;

(3) the number of individual packages of nonsettling manufacturer cigarettes and the amount of nonsettling manufacturer cigarette tobacco products not subject to the tax imposed by Chapter 154, Tax Code, or Section 155.0211, Tax Code, sold or purchased in this state or otherwise distributed in this state for sale in the United States;

(4) the number of individual packages of nonsettling manufacturer cigarettes and the amount of nonsettling manufacturer cigarette tobacco products transported or caused to be transported outside this state during the preceding month;

(5) if Subdivision (4) applies, the name and address of the persons receiving the cigarettes or cigarette tobacco products outside this state; and

(6) any other information the comptroller considers necessary or appropriate to determine the amount of the fee imposed by this subchapter or to enforce this subchapter.

(b) The information required by Subsection (a) must be itemized for each place of business and by manufacturer and brand family.

(c) The requirement to report information under this section shall be enforced in the same manner as the requirement to deliver to or file with the comptroller a report required under Section 154.210 or 155.111, Tax Code, as appropriate.

(d) Information obtained from a report provided under Subsection (a) regarding cigarettes or cigarette tobacco products sold, purchased, or otherwise distributed by a nonsettling manufacturer may be disclosed by the comptroller to that manufacturer or to the authorized representative of the manufacturer.

Sec. 161.607. NOTICE AND PAYMENT OF FEE. (a) Each month, not later than the 20th day after the date the comptroller receives the information required by Section 161.606, the comptroller shall:

(1) compute the amount of the fee imposed by this subchapter that each nonsettling manufacturer owes for that reporting period based on that information and any other information available to the comptroller; and

(2) mail to each nonsettling manufacturer a notice of the amount of fees the manufacturer owes.

(b) Not later than the 15th day of the month after the month in which the comptroller mails a nonsettling manufacturer a notice under Subsection (a), the nonsettling manufacturer shall send to the comptroller the amount of the fee due according to the notice.

Sec. 161.608. DIRECTORY OF COMPLYING MANUFACTURERS. (a) The comptroller shall develop, maintain, and publish on the comptroller's Internet website a directory listing of all nonsettling manufacturers that have complied with this subchapter.

(b) The comptroller shall provide the list described by Subsection (a) to any person on request.

Sec. 161.609. PREPAYMENT BEFORE OFFERING NONSETTLING MANUFACTURER CIGARETTES OR CIGARETTE TOBACCO PRODUCTS FOR SALE OR DISTRIBUTION IN THIS STATE. (a) If cigarettes or cigarette tobacco products of a nonsettling manufacturer are not offered for sale or distribution in this state on September 1, 2011, the nonsettling manufacturer may not offer those cigarettes or cigarette tobacco products for sale or distribution in this state after that date unless the manufacturer first prepays the fee imposed by this subchapter for sales of cigarettes and cigarette tobacco products that will occur in the first calendar month in which they are sold or distributed in this state.

(b) The amount a nonsettling manufacturer is required to prepay under this section is equal to the greater of:

(1) the rate prescribed by Section 161.604 in effect on that date multiplied by:

(A) the number of cigarettes the comptroller reasonably projects that the nonsettling manufacturer will sell or distribute in this state during that calendar month; and

(B) each 0.09 ounce of nonsettling manufacturer cigarette tobacco products the comptroller reasonably projects that the nonsettling manufacturer will sell or distribute in this state during that calendar month; or

(2) \$50,000.

(c) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are:

(1) included in computing payments due to be made by a settling manufacturer under the tobacco settlement agreement; or

(2) sold, purchased, or otherwise distributed in this state for retail sale outside this state.

(d) The comptroller may require a nonsettling manufacturer to provide any information reasonably necessary to determine the prepayment amount.

(e) The comptroller shall establish procedures to:

(1) reimburse a nonsettling manufacturer if the actual sales or distributions in the first calendar month are less than the projected sales or distributions; and

(2) require additional payments if the actual sales or distributions in the first calendar month are greater than the projected sales or distributions.

(f) A nonsettling manufacturer shall pay the fee imposed by this subchapter in the manner provided by Section 161.607 beginning in the second calendar month in which the manufacturer offers the cigarettes or cigarette tobacco products for sale or distribution in this state.

Sec. 161.610. REPORT TO ATTORNEY GENERAL BEFORE OFFERING NONSETTLING MANUFACTURER CIGARETTES OR CIGARETTE TOBACCO PRODUCTS FOR SALE OR DISTRIBUTION IN THIS STATE. (a) In addition to prepaying the fee required by Section 161.609, a nonsettling manufacturer described by Section 161.609(a) shall, before the date the cigarettes or cigarette tobacco products are offered for sale or distribution in this state, provide to the attorney general on a form prescribed by the attorney general:

(1) the nonsettling manufacturer's complete name, address, and telephone number;

(2) the date that the nonsettling manufacturer will begin offering cigarettes or cigarette tobacco products for sale or distribution in this state;

(3) the names of the brand families of the cigarettes or cigarette tobacco products that the nonsettling manufacturer will offer for sale or distribution in this state;

(4) a statement that the nonsettling manufacturer intends to comply with this subchapter; and

(5) the name, address, telephone number, and signature of an officer of the nonsettling manufacturer attesting to all of the included information.

(b) The attorney general shall make the information provided under this section available to the comptroller.

Sec. 161.611. PENALTIES FOR NONCOMPLIANCE. (a) Cigarettes and cigarette tobacco products of a nonsettling manufacturer that has not complied with this subchapter, including full payment of the fee imposed by this subchapter, shall be treated as cigarettes or tobacco products for which the tax assessed by Chapter 154 or 155, Tax Code, as appropriate, has not been paid, and the manufacturer is subject to all penalties imposed by those chapters for violations of those chapters.

(b) The comptroller shall provide to a nonsettling manufacturer, each distributor authorized to affix stamps under Chapter 154, Tax Code, and the attorney general a notice of the manufacturer's noncompliance with this subchapter if the manufacturer:

(1) does not pay in full the fee imposed by this subchapter; or

(2) is not included on the directory required by Section 161.608.

(c) If a nonsettling manufacturer does not appear on the directory required by Section 161.608, or on receipt of the notice of a nonsettling manufacturer's noncompliance, a distributor may not:

(1) pay the tax imposed by Chapter 154 or 155, Tax Code, as appropriate;

(2) affix to a package of cigarettes the stamp required by Section 154.041, Tax Code; or

(3) otherwise purchase, sell, or distribute cigarettes manufactured by the nonsettling manufacturer in this state.

(d) If the comptroller determines that the nonsettling manufacturer that is the subject of a notice provided under Subsection (b) later complies with this subchapter, the comptroller shall provide to the nonsettling manufacturer, each distributor authorized to affix stamps under Chapter 154, Tax Code, and the attorney general a notice that the nonsettling manufacturer is in compliance with this subchapter.

Sec. 161.612. APPOINTMENT OF AGENT FOR SERVICE OF PROCESS. A nonsettling manufacturer shall appoint and engage a resident agent for service of process.

Sec. 161.613. AUDIT OR INSPECTION. The comptroller or attorney general is entitled to conduct reasonable periodic audits or inspections of the financial records of a nonsettling manufacturer to ensure compliance with this subchapter.

Sec. 161.614. REVENUE DEPOSITED IN PERMANENT HEALTH FUND.

The revenue from the fee imposed by this subchapter shall be deposited in the state treasury to the credit of the permanent health fund under Subchapter A of Chapter 63, Education Code. The annual amounts deposited shall be distributed for any purpose the legislature determines and shall not be subject to the requirements of Chapter 63 of the Education Code.

Sec. 161.615. APPLICATION OF SUBCHAPTER. This subchapter applies without regard to Section 154.022, Tax Code, or any other law that might be read to create an exemption for interstate sales.

(b) Not later than September 30, 2011, a nonsettling manufacturer, as that term is defined by Section 161.602, Health and Safety Code, as added by this section, that is offering cigarettes or cigarette tobacco products for sale or distribution in this state on September 1, 2011, shall provide to the attorney general on a form prescribed by the attorney general:

- (1) the nonsettling manufacturer's complete name, address, and telephone number;
- (2) the date that the nonsettling manufacturer began offering cigarettes or cigarette tobacco products for sale or distribution in this state;
- (3) the names of the brand families of the cigarettes or cigarette tobacco products that the nonsettling manufacturer offers for sale or distribution in this state;
- (4) a statement that the nonsettling manufacturer intends to comply with Subchapter V, Chapter 161, Health and Safety Code, as added by this section; and
- (5) the name, address, telephone number, and signature of an officer of the nonsettling manufacturer attesting to all of the included information.

(c) The attorney general shall make the information provided under Subsection (b) of this section available to the comptroller.

(d) Notwithstanding any other provision of this Act, this section takes effect September 1, 2011.

The amendment to **CSSB 1581** was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Lucio, Nelson, Ogden, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Fraser, Harris, Huffman, Jackson, Nichols, Patrick, Seliger, Williams.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 1581** (Senate Committee Printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE __. PROVISIONS RELATING TO CARRYING CONCEALED WEAPONS BY LICENSE HOLDERS

SECTION __.01 Section 46.03, Penal Code, is amended by adding Subsection (j) to read as follows:

(j) It is a defense to prosecution under Subsection (a)(1) that at the time of the commission of the offense the actor was:

(1) carrying a concealed handgun that the person was licensed to carry under Subchapter H, Chapter 411, Government Code; and

(2) attending a school district board of trustees meeting in an official capacity as:

(A) a member of the board of trustees; or

(B) the superintendent of the school district governed by the board of trustees.

SECTION __.02. Section 46.035, Penal Code, is amended by adding Subsection (l) to read as follows:

(l) It is a defense to prosecution under Subsection (c) that at the time of the commission of the offense the actor was attending a school district board of trustees meeting in an official capacity as:

(1) a member of the board of trustees; or

(2) the superintendent of the school district governed by the board of trustees.

SECTION __.03. Sections 46.03(j) and 46.035(l), Penal Code, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

The amendment to **CSSB 1581** was read.

Senator Williams withdrew Floor Amendment No. 10.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 1581** on page 3, between lines 18 and 19, by inserting Subsection (3) to read as follows and renumber the subsequent sections appropriately:

"(3)(a) The Joint Oversight Committee on Higher Education Governance, Excellence, and Transparency shall review tuition deregulation and make recommendations to the 83rd Legislature for its continuation or repeal. The report shall be submitted by January 1, 2013 to the Legislature.

(b) Section 54.0513, Education Code shall be repealed on September 1, 2013 unless the Legislature passes legislation to continue its existence."

The amendment to **CSSB 1581** was read.

On motion of Senator Ogden, Floor Amendment No. 11 was tabled by the following vote: Yeas 16, Nays 15.

Yeas: Birdwell, Carona, Duncan, Eltife, Estes, Harris, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Zaffirini.

Nays: Davis, Deuell, Ellis, Fraser, Gallegos, Hinojosa, Jackson, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 1581** by striking ARTICLE 1 of the bill (senate committee printing, page 1, lines 12-40) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1581 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Jackson, Lucio, Rodriguez, Van de Putte, Watson, West, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 1581 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1581** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Rodriguez, Watson, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Jackson, Lucio, Rodriguez, Van de Putte, Watson, West, Zaffirini.

CONFERENCE COMMITTEE ON HOUSE BILL 1

Senator Ogden called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Ogden, Chair; Nelson, Williams, Duncan, and Hinojosa.

(President Pro Tempore Ogden in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1213 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1213** at this time on its second reading:

CSSB 1213, Relating to consumer protections in the purchase of life settlement contracts; imposing penalties.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1213** (senate committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 1111A.002(1), Insurance Code (page 1, line 25), strike "an individual" and substitute "a person".

(2) In SECTION 1.01 of the bill, in added Section 1111A.002(2), Insurance Code (page 1, line 32), strike ". A broker" and substitute "or estimates life expectancies for a life settlement contract. A broker who offers or attempts to negotiate a life settlement contract".

(3) In SECTION 1.01 of the bill, in added Section 1111A.002(7), Insurance Code (page 2, line 17), strike "producer" and substitute "agent".

(4) In SECTION 1.01 of the bill, in added Section 1111A.003(a), Insurance Code (page 6, lines 3-8), strike "If there is more than one owner on a single policy and the owners are residents of different states, the life settlement contract is governed by the law of the state in which the owner having the largest percentage ownership resides or, if the owners hold equal ownership, the state of residence of one owner agreed on in writing by all owners."

(5) In SECTION 1.01 of the bill, in added Section 1111A.003(b), Insurance Code (page 6, line 10), strike "prescribed by rule" and substitute "prescribed".

(6) In SECTION 1.01 of the bill, at the end of added Section 1111A.003, Insurance Code (page 7, between lines 45 and 46), insert the following:

(q) The business of life settlements constitutes the business of insurance.

(7) In SECTION 1.01 of the bill, in added Section 1111A.004(a)(6), Insurance Code (page 7, line 69), between "contract" and "that", insert "using a form".

(8) In SECTION 1.01 of the bill, in added Section 1111A.004(b), Insurance Code (page 8, line 15), strike "only after a hearing".

(9) In SECTION 1.01 of the bill, in added Section 1111A.006(d)(4), Insurance Code (page 9, line 20), between "another" and "provider", insert "licensed".

(10) In SECTION 1.01 of the bill, strike added Section 1111A.007, Insurance Code (page 9, line 39, through page 11, line 23), and substitute the following:

Sec. 1111A.007. EXAMINATION. Subchapter B, Chapter 401, applies to a person engaged in the business of life settlements.

(11) In SECTION 1.01 of the bill, in added Section 1111A.011(c)(1), Insurance Code (page 11, line 55), strike "directly".

(12) In SECTION 1.01 of the bill, in added Section 1111A.012(a), Insurance Code (page 11, lines 61-65), strike "A provider shall provide in writing, in a separate document that is signed by the owner and provider, the following information to the owner not later than the date the life settlement contract is signed by all parties:" and substitute the following:

Not later than the fifth day after the date a provider receives the application for a life settlement contract, the provider shall provide, in a separate written document, the following information to the owner:

(13) In SECTION 1.01 of the bill, in added Section 1111A.013(c), Insurance Code (page 13, lines 57-58), strike "as described by Subsection (b)".

(14) In SECTION 1.01 of the bill, in added Section 1111A.014(e), Insurance Code (page 14, line 64), strike "producer" and substitute "agent".

(15) In SECTION 1.01 of the bill, in added Section 1111A.014(n), Insurance Code (page 15, lines 55-58), strike "The time covered under a group policy must be calculated without regard to a change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship."

(16) In SECTION 1.01 of the bill, in added Section 1111A.014, Insurance Code (page 16, between lines 15 and 16), insert a new Subsection (o) to read as follows:

(o) For the purposes of Subsection (n)(1), time covered under a group policy must be calculated without regard to a change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship.

(17) In SECTION 1.01 of the bill, in added Section 1111A.015, Insurance Code (page 16, line 29), between "RULES." and "The", insert "(a)".

(18) In SECTION 1.01 of the bill, at the end of added Section 1111A.015, Insurance Code (page 16, between lines 32 and 33), insert the following:

(b) The commissioner may not adopt a rule establishing a price or fee for the sale or purchase of a life settlement contract. This subsection does not prohibit the commissioner from adopting a rule relating to an unjust price or fee for the sale or purchase of a life settlement contract.

(c) The commissioner may not adopt a rule that regulates the actions of an investor providing money to a life or viatical settlement company.

(19) In SECTION 1.01 of the bill, in added Section 1111A.017(a)(1), Insurance Code (page 16, line 62), between "or" and "should", insert "reasonably".

(20) In SECTION 1.01 of the bill, in added Section 1111A.017(a)(4), Insurance Code (page 17, line 4), strike "sole".

(21) In SECTION 1.01 of the bill, in added Section 1111A.018(b), Insurance Code (page 17, line 45), strike "knowingly or intentionally".

(22) In SECTION 1.01 of the bill, strike added Section 1111A.019, Insurance Code (page 17, lines 61-66), and substitute the following:

Sec. 1111A.019. MANDATORY REPORTING OF FRAUDULENT LIFE SETTLEMENT ACTS. A person engaged in the business of life settlements has a duty under Section 701.051 to report a fraudulent life settlement act.

(23) In SECTION 1.01 of the bill, strike added Sections 1111A.020 and 1111A.021, Insurance Code (page 17, line 67, through page 18, line 34).

(24) In SECTION 1.01 of the bill, in added Section 1111A.024(b), Insurance Code (page 19, line 35), strike "or criminal".

(25) In SECTION 1.01 of the bill, strike added Section 1111A.026(b), Insurance Code (page 19, lines 59-62), and substitute the following:

(b) A person who knowingly, recklessly, or intentionally commits a fraudulent life settlement act commits a criminal offense and is subject to penalties under Chapter 35, Penal Code.

(26) In SECTION 1.01 of the bill, at the end of added Chapter 1111A, Insurance Code (page 19, between lines 64 and 65), insert the following appropriately numbered section:

Sec. 1111A. . . APPLICABILITY OF OTHER INSURANCE LAWS. The following laws apply to a person engaged in the business of life settlements:

(1) Chapters 82, 83, 84, 101, 481, 541, and 701;

(2) Sections 31.002, 32.021, 32.023, 32.041, 38.001, 81.004, 86.001, 86.051, 86.052, 201.004, 401.051, 401.054, 401.151(a), 521.003, 521.004, 543.001(c), 801.056, and 862.052;

(3) Subchapter A, Chapter 32;

(4) Subchapter C, Chapter 36;

(5) Subchapter B, Chapter 404; and

(6) Subchapter B, Chapter 491.

(27) In SECTION 1.01 of the bill, redesignate sections, subsections, and cross-references in added Chapter 1111A, Insurance Code, appropriately.

The amendment to **CSSB 1213** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1213 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1213 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1213** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1616 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1616** at this time on its second reading:

CSSB 1616, Relating to the collection, storage, preservation, retrieval, and destruction of biological evidence.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1616** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Article 38.43(b), Code of Criminal Procedure (page 1, line 44), between "preservation," and "or retrieval", insert "analysis,".

(2) In SECTION 1 of the bill, in amended Article 38.43, Code of Criminal Procedure (page 1, line 46, through page 2, line 21), strike amended Subsection (c) and substitute the following:

(c) An entity or individual described by Subsection (b) shall ensure that biological evidence collected pursuant to an investigation or prosecution of a felony offense or conduct constituting a felony offense is retained and ~~[Except as provided by Subsection (d), material required to be preserved under this article must be]~~ preserved:

(1) for not less than 40 years, or until the applicable statute of limitations has expired, if there is an unapprehended actor associated with the offense; or

(2) in a case in which a defendant has been convicted, placed on deferred adjudication community supervision, or adjudicated as having engaged in delinquent conduct and there are no additional unapprehended actors associated with the offense:

(A) until the inmate is executed, dies, or is released on parole, if the defendant is ~~[was]~~ convicted of a capital felony; [or]

(B) [(2)] until the defendant dies, completes the defendant's sentence, or is released on parole or mandatory supervision, if the defendant is sentenced to a term of confinement or imprisonment in the Texas Department of Criminal Justice;

(C) until the defendant completes the defendant's term of community supervision, including deferred adjudication community supervision, if the defendant is placed on community supervision;

(D) until the defendant dies, completes the defendant's sentence, or is released on parole, mandatory supervision, or juvenile probation, if the defendant is committed to the Texas Youth Commission; or

(E) until the defendant completes the defendant's term of juvenile probation, including a term of community supervision upon transfer of supervision to a criminal court, if the defendant is placed on juvenile probation.

(3) In SECTION 1 of the bill, in amended Article 38.43(d), Code of Criminal Procedure (page 2, lines 25 through 26), strike "the rules adopted under Subsection (c)(2)" and substitute "Subsection (c)".

(4) In SECTION 1 of the bill, in amended Article 38.43(f), Code of Criminal Procedure (page 2, line 40), between "adopt" and "rules", insert "standards and".

(5) In SECTION 1 of the bill, in amended Article 38.43, Code of Criminal Procedure (page 2, between lines 52 and 53), following amended Subsection (f), insert the following:

(g) The Department of Public Safety shall adopt standards and rules, consistent with best practices, relating to a person described by Subsection (b) that specify the manner of collection, storage, preservation, and retrieval of biological evidence.

(6) In SECTION 1 of the bill, in added Article 38.43(g), Code of Criminal Procedure (page 2, line 53), strike "(g)" and substitute "(h)".

(7) In SECTION 2(a) of the bill (page 2, line 58), strike "initial rules" and substitute "initial standards and rules".

(8) In SECTION 2(b) of the bill (page 3, line 10), strike "adopt the rules" and substitute "adopt the standards and rules".

(9) Strike SECTION 2(c) of the bill (page 3, lines 12 through 19) and substitute the following:

(c) The change in law made by Article 38.43, Code of Criminal Procedure, as amended by this Act, applies to biological evidence in the possession of an entity or individual described by Article 38.43(b), Code of Criminal Procedure, as amended by this Act, on the effective date of this Act, regardless of whether the evidence was collected before, on, or after the effective date of this Act.

(d) Notwithstanding Subsection (c) of this section, an entity or individual described by Article 38.43(b), Code of Criminal Procedure, as amended by this Act, is not required to comply with the standards and rules adopted under Article 38.43(g), Code of Criminal Procedure, as added by this Act, before January 1, 2013.

The amendment to **CSSB 1616** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1616 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1616 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1616** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 656 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 656** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 656** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.026(g), Agriculture Code, is amended to read as follows:

(g) In an area that the state board identifies as having or having the potential to develop agricultural or silvicultural nonpoint source water quality problems or an area within the "coastal zone" designated by the commissioner of the General Land Office [~~Coastal Coordination Council~~], the state board shall establish a water quality management plan certification program that provides, through local soil and water conservation districts, for the development, supervision, and monitoring of individual water quality management plans for agricultural and silvicultural lands. Each plan must be developed, maintained, and implemented under rules and criteria adopted by the state board and comply with state water quality standards established by the Texas Commission on Environmental Quality. The state board shall certify a plan that satisfies the state board's rules and criteria and complies with state water quality standards established by the Texas Commission on Environmental Quality under the commission's exclusive authority to set water quality standards for all water in the state.

SECTION 2. Section 33.004, Natural Resources Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Committee" means the Coastal Coordination Advisory Committee.

SECTION 3. Section 33.051, Natural Resources Code, is amended to read as follows:

Sec. 33.051. GENERAL DUTY. The board, the commissioner [~~council~~], the land office, and the network shall perform the duties provided in this subchapter.

SECTION 4. Section 33.052(a), Natural Resources Code, is amended to read as follows:

(a) The commissioner shall develop a continuing comprehensive coastal management program pursuant to the policies stated in Section 33.202 [~~of this code. The program is not effective until approved by a majority of the council under Section 33.204 of this code~~].

SECTION 5. Section 33.052(b), Natural Resources Code, as amended by Chapters 165 (S.B. 971) and 416 (H.B. 3226), Acts of the 74th Legislature, Regular Session, 1995, is reenacted and amended to read as follows:

(b) In developing the program, the land office shall act as the lead agency to coordinate and implement a comprehensive coastal management program [~~develop a long-term plan~~] for the management of uses affecting coastal natural resource areas, in cooperation with other state agencies that have duties relating to coastal matters[~~, including those agencies represented on the council~~]. The program shall implement the policies stated in Section 33.202 [~~of this code~~] and shall include the elements listed in Section 33.053 [~~of this code~~].

SECTION 6. Section 33.052(e), Natural Resources Code, is amended to read as follows:

(e) This section does not add to or subtract from the duties and responsibilities of a state agency other than the land office, the commissioner [~~council~~], and the board.

SECTION 7. Section 33.055, Natural Resources Code, is amended to read as follows:

Sec. 33.055. PUBLIC HEARINGS TO CONSIDER COASTAL MANAGEMENT PROGRAM. In developing, reviewing, or amending the coastal management program, after due notice to affected persons and the public generally, the commissioner [~~and the council~~] shall hold or have held public hearings as the commissioner determines [~~and the council determine~~] to be appropriate.

SECTION 8. Sections 33.204(a), (e), (f), and (g), Natural Resources Code, are amended to read as follows:

(a) The commissioner [~~council~~] by rule shall adopt goals and policies of the coastal management program. A goal or policy may not require an agency or subdivision to perform an action that would exceed the constitutional or statutory authority of the agency or subdivision to which the goal or policy applies.

(e) In conducting consistency reviews under Section 33.205 [~~of this code~~], the commissioner [~~council~~] shall receive and consider the oral or written testimony of any person regarding the coastal management program as the testimony relates to the agency or subdivision action or federal agency action or activity or outer continental shelf plan under review. The commissioner [~~council~~] may reasonably limit the length and format of the testimony and the time at which it will be received. Notice of the period during which the testimony will be received shall be published in the Texas Register and in a newspaper of general circulation in each county directly affected by the matter under review before the commencement of that period. The commissioner [~~council~~] shall consider only the record before the agency or subdivision involved in the matter under review, the agency's or subdivision's findings, applicable laws and rules, any additional information provided by that agency or subdivision, and public testimony under this subsection, provided that if the agency or subdivision did not hold a hearing, make a record, or make findings, the commissioner [~~council~~] may hold a hearing and make findings necessary to a complete and thorough review.

(f) [~~The land office shall assist the council in carrying out its duties. The council members may not receive compensation for services but may receive reimbursement for actual and necessary expenses.~~] The land office, in coordination with other agencies and subdivisions, shall prepare an annual report on the effectiveness of the coastal management program. [~~The land office shall submit the report to the council for approval.~~] On or before January 15 of each odd-numbered year, the land office shall send to the legislature each of the previous two annual reports.

(g) The commissioner [~~council~~] may award grants to projects that further the goals and policies of the coastal management program [~~council~~]. The commissioner [~~council~~] shall establish the procedures for making any determination related to awarding a grant.

SECTION 9. Section 33.2041, Natural Resources Code, is amended to read as follows:

Sec. 33.2041. COASTAL COORDINATION ADVISORY COMMITTEE [~~COMPOSITION OF COUNCIL; TERMS~~]. (a) The commissioner by rule shall establish the Coastal Coordination Advisory Committee to advise the commissioner on matters related to the coastal management program. The committee [~~council~~] shall consist of:

(1) a representative of each of the following entities designated by the presiding officer of that entity [~~ex officio members~~]:

(A) the land office [~~commissioner~~];

(B) the [~~presiding officer of the~~] Parks and Wildlife Department [~~Commission or a member of the commission designated by the presiding officer~~];

(C) the [~~presiding officer of the~~] Texas Commission on Environmental Quality [~~Natural Resource Conservation Commission or a member of the commission designated by the presiding officer~~];

(D) [~~a member of~~] the Railroad Commission of Texas [~~appointed by that commission~~];

(E) the [~~presiding officer of the~~] Texas Water Development Board [~~or a member of the board designated by the presiding officer~~];

(F) the [~~presiding officer of the~~] Texas Department of Transportation [~~Commission or a member of the commission designated by the presiding officer~~];

(G) [~~a member of~~] the State Soil and Water Conservation Board [~~appointed by that board~~]; and

(H) the [~~director of the~~] Texas [~~A&M University~~] Sea Grant College Program to serve as a nonvoting member; and

(2) the following members to be appointed by the commissioner [~~governor with the advice and consent of the senate to serve a two-year term~~]:

(A) a city or county elected official who resides in the coastal area;

(B) an owner of a business located in the coastal area who resides in the coastal area;

(C) a resident from the coastal area; and

(D) a representative of agriculture.

(b) The commissioner by rule shall establish the terms of office for and duties of committee members [~~terms of the positions on the council held by the city or county elected official who resides in the coastal area and the resident from the coastal area expire May 31 of each even-numbered year. The terms of the positions on the council held by the owner of a business located in the coastal area who resides in the coastal area and the representative of agriculture expire May 31 of each odd-numbered year~~].

(c) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the committee [~~Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees~~].

SECTION 10. The heading to Section 33.205, Natural Resources Code, is amended to read as follows:

Sec. 33.205. CONSISTENCY WITH COASTAL MANAGEMENT PROGRAM; COMMISSIONER [COUNCIL] REVIEW.

SECTION 11. Section 33.205, Natural Resources Code, is amended by amending Subsections (b), (c), (d), (e), (f), (g), and (h) and adding Subsections (f-1) and (f-2) to read as follows:

(b) An agency or subdivision subject to the requirements of Subsection (a) shall affirm that it has taken into account the goals and policies of the coastal management program by issuing a written determination that a proposed agency or subdivision action described by Section 33.2051 or 33.2053 is consistent with the program goals and policies.

(c) The commissioner [~~council~~] may ~~not~~ review a proposed agency or subdivision action subject to the requirements of Subsections (a) and (b) [~~of this section~~] for consistency with the goals and policies of the coastal management program if [~~unless~~]:

(1) the consistency determination for the proposed action was contested by:

(A) a [~~council~~] member of the committee or an agency that was a party in a formal hearing under Chapter 2001, Government Code, or in an alternative dispute resolution process; or

(B) another [~~a council member or other~~] person by the filing of written comments with the agency before the action was proposed if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available; and

(2) a person described by Subdivision (1) [~~of this subsection~~] files a request for referral alleging a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program[; and

~~(3) any three members of the council other than the director of the Texas A&M University Sea Grant Program agree that there is a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program and the matter is placed on the agenda for a council meeting].~~

(d) If consistency review thresholds are in effect under Section 33.2052, the commissioner [~~council~~] may not review a proposed action subject to the requirements of Subsections (a) and (b) for consistency with the goals and policies of the coastal management program unless the requirements of Subsection (c) are satisfied and:

(1) if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is available:

(A) the action exceeds the applicable thresholds and the agency's consistency determination was contested in a formal hearing or in an alternative dispute resolution process; or

(B) the action does not exceed the applicable thresholds but may directly and adversely affect a critical area, critical dune area, coastal park, wildlife management area or preserve, or gulf beach and a state agency contested the agency's consistency determination in a formal hearing; or

(2) if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available to contest the agency's determination, the action exceeds the applicable thresholds.

(e) The commissioner [~~council~~] must consider and act on a matter referred under Subsection (c) or (d) before the 26th day after the date the agency or subdivision proposed the action. For purposes of this section, an action subject to the contested case provisions of Chapter 2001, Government Code, is proposed when notice of a decision or order is issued under Section 2001.142, Government Code.

(f) The commissioner [~~council~~] by rule shall establish a process by which an applicant for a permit or other proposed action described in Section 33.2053, or an agency or subdivision proposing an action, may request and receive a preliminary consistency review. The rules shall:

(1) create a permitting assistance group composed of representatives of committee [~~council~~] member agencies and other interested committee [~~council~~] members to coordinate the preliminary reviews; and

(2) require that the following written information be produced not later than the 45th day after the date of the request for preliminary review:

(A) a statement from each agency or subdivision required to permit or approve the project as to whether the agency or subdivision anticipates approving or denying the application;

(B) if an agency or subdivision intends to deny an application, the agency's or subdivision's explanation of the grounds for denial and recommendations for resolving the grounds in a way that would allow the application to be approved;

(C) if enough information is already available, a preliminary finding as to whether the project is likely to be found consistent with the goals and policies of the coastal management program; and

(D) if the project is likely to be found inconsistent with the goals and policies of the coastal management program, an explanation and recommendation for resolving the inconsistency in a way that would allow the project to be found consistent.

(f-1) Not later than January 1, 2012, the commissioner shall evaluate the functions, including any pending initiatives, membership, and usefulness of the permitting assistance group established under Subsection (f). The evaluation must include input from all members of the permitting assistance group and the committee. This subsection expires April 1, 2012.

(f-2) The commissioner may adopt rules as necessary to:

(1) restructure or abolish the permitting assistance group;

(2) expand the functions of the permitting assistance group; or

(3) add members to the permitting assistance group.

(g) The commissioner [~~council~~] by rule shall establish a process by which an individual or small business may request and receive assistance with filing applications for permits or other proposed actions described by Section 33.2053. The rules shall provide for:

(1) the coordination of preapplication assistance through the permitting assistance group; and

(2) the provision of the following, by the permitting assistance group, to an individual or a small business, on request:

(A) a list of the permits or other approvals necessary for the project;

(B) a simple, understandable statement of all permit requirements;

(C) a coordinated schedule for each agency's or subdivision's decision on the action;

(D) a list of all the information the agencies or subdivisions need to declare the applications for the permits or other approvals administratively complete;

(E) assistance in completing the applications as needed; and

(F) if enough information is already available, a preliminary finding as to whether the project is likely to be found consistent with the goals and policies of the coastal management program.

(h) If an agency, subdivision, or applicant has received a preliminary finding of consistency under Subsection (f)(2)(C) or (g)(2)(F) and a request for referral was filed on that action under Subsection (c)(2), the commissioner [~~council~~] may accept the request for referral only if the agency or subdivision has substantially changed the permit or proposed action since the preliminary finding was issued.

SECTION 12. Section 33.2051(e), Natural Resources Code, is amended to read as follows:

(e) The commissioner [~~council~~] may not review a proposed rule of the [~~Texas~~] Department of Agriculture.

SECTION 13. Section 33.2052, Natural Resources Code, is amended to read as follows:

Sec. 33.2052. CERTIFICATION OF AGENCY RULES; AGENCY ACTIONS CONSIDERED CONSISTENT. (a) The commissioner [~~council~~] by rule shall establish and may modify a process by which an agency may submit rules and rule amendments described by Section 33.2051 to the commissioner [~~council~~] for review and certification for consistency with the goals and policies of the coastal management program.

(b) The process must provide that an agency may submit to the commissioner [~~council~~] consistency review thresholds for the agency's actions described in Section 33.2053. After the commissioner [~~council~~] certifies that an agency's rules are consistent and approves the agency's thresholds, the agency's consistency determination under Section 33.205(b) for an action is final and is not subject to referral and review, except as provided by Section 33.205(d).

(c) The commissioner [~~council~~] by rule shall provide that the commissioner [~~council~~] may revoke a [~~its~~] certification under Subsection (b) if the commissioner [~~council~~] finds that an agency has:

(1) implemented certified rules in a manner that conflicts with the goals and policies of the coastal management program; or

(2) amended certified rules in a manner inconsistent with the goals and policies of the coastal management program.

SECTION 14. Sections 33.2053(j) and (k), Natural Resources Code, are amended to read as follows:

(j) An action to renew, amend, or modify an existing permit, certificate, lease, easement, approval, or other action is not an action under this section if the action is taken under a rule that the commissioner [~~council~~] has certified under Section 33.2052 and:

(1) for a wastewater discharge permit, if the action is not a major permit modification that would:

(A) increase pollutant loads to coastal waters; or

(B) result in relocation of an outfall to a critical area;

(2) for solid, hazardous, or nonhazardous waste permits, if the action is not a Class III modification under rules of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality; or

(3) for any other action, if the action:

(A) only extends the period of the existing authorization and does not authorize new or additional work or activity; or

(B) is not directly relevant to Sections 33.205(a) and (b).

(k) The commissioner [~~council~~] shall establish a program boundary to limit the geographic area in which the requirements of Sections 33.205(a) and (b) apply. The boundary is the coastal facility designation line as defined by Appendix 1 to 31 TAC Section 19.2 as that appendix existed on the effective date of this section, as modified by Section 33.203(7). Except as provided by Subsections (f)(8)-(10), this subchapter does not apply to an agency action authorizing an activity outside the program boundary.

SECTION 15. Section 33.206, Natural Resources Code, is amended to read as follows:

Sec. 33.206. [~~COUNCIL~~] ACTION BY COMMISSIONER OR ATTORNEY GENERAL. (a) A proposed action is consistent with the goals and policies of the coastal management program and approved by the commissioner [~~council~~] unless~~, on the affirmative vote of at least two thirds of the members of the council,~~ the commissioner [~~council~~] determines the action to be inconsistent with the coastal management program and protests the action.

(b) If the commissioner [~~council~~] protests the proposed action, the commissioner [~~council~~] shall report the commissioner's [~~its~~] findings on the matter to the agency or subdivision. The report shall specify how the proposed action is inconsistent with the goals and policies of the coastal management program and include specific recommendations of the commissioner [~~council~~] regarding how the proposed action may be modified or amended to make it consistent with the program. Before the 21st day after the date the agency or subdivision receives the report, the agency or subdivision shall review the findings and recommendations and determine whether to modify or amend the proposed action to make it consistent with the goals and policies of the coastal management program and shall notify the commissioner [~~council~~] of its decision.

(c) If an agency or subdivision does not modify or amend a proposed action to be consistent with the goals and policies of the coastal management program, the commissioner [~~council~~] shall request the attorney general to issue an opinion on the consistency of the proposed action with the coastal management program. The agency

or subdivision is stayed from taking the proposed action until the attorney general issues the opinion. The attorney general shall issue an opinion before the 26th day after the date the commissioner [~~council~~] requests the opinion.

(d) The commissioner [~~council~~] shall adopt guidance and procedural rules for the review of federal actions, activities, and outer continental shelf plans that incorporate the provisions of federal regulations governing those reviews. The guidance and rules shall provide that the commissioner [~~chair or any three members~~] may request additional information from a federal agency or additional time for review as provided by the federal regulations.

(e) The commissioner [~~council~~] shall review any federal action, activity, or outer continental shelf plan that the commissioner determines [~~any three members of the council agree~~] presents a significant unresolved issue regarding consistency with the goals and policies of the coastal management program [~~and place the matter on the agenda of a meeting of the council for review~~].

(f) [~~If an activity requiring an agency or subdivision action described by Section 33.2053 that falls below thresholds in effect under Section 33.2052 also requires an equivalent federal permit or license, the council may only determine the agency or subdivision action's consistency.~~] If an activity requiring an agency or subdivision action described by Section 33.2053 that falls above thresholds in effect under Section 33.2052 also requires an equivalent federal permit or license, the commissioner [~~council~~] may determine the consistency of the agency or subdivision action or the federal license or permit, but not both. The determination regarding the consistency of an action made by the commissioner [~~council~~] under this subsection constitutes the state's determination regarding consistency of the equivalent agency or subdivision action or federal action.

(g) Notwithstanding the other provisions of this subchapter, on request for referral, the commissioner may not review a consistency determination of the land office, the commissioner, or the board. The commissioner shall refer a request for a review of the consistency of such an action to the attorney general not later than the second day after the date the commissioner receives the request. The attorney general shall determine whether the action is consistent with the goals and policies of the coastal management program in accordance with the applicable provisions of this subchapter governing determinations by the commissioner. If the attorney general determines the action to be inconsistent with the goals and policies of the coastal management program, the attorney general may protest the action in accordance with the provisions of this subchapter governing protests by the commissioner. A protest by the attorney general has the same effect as a protest by the commissioner. The attorney general may adopt rules as necessary to implement this subsection [~~If, after review, the council finds a proposed federal agency action or activity or outer continental shelf plan is inconsistent with the coastal management program, and the federal agency does not modify the action, activity, or outer continental shelf plan to achieve consistency with the program, the governor, with the assistance of the chair of the council, may seek mediation of the matter in accordance with federal law.~~].

[(h) ~~The council may not protest a proposed action by an agency or subdivision pertaining to an application filed with that agency or subdivision before the date the coastal management program is adopted.~~]

SECTION 16. Section 33.207, Natural Resources Code, is amended to read as follows:

Sec. 33.207. COMMISSIONER [COUNCIL] RECOMMENDATIONS. In addition to the report required by Section 33.206, the commissioner [council]:

(1) may periodically submit recommendations to an agency or subdivision designed to encourage the agency or subdivision to carry out its functions in a manner consistent with the coastal management program, including recommendations for methods to simplify governmental procedures and changes in applicable rules or statutes; and

(2) shall report to the legislature on:

(A) recommended statutory changes needed to make more effective and efficient use of public funds and provide for more effective and efficient management of coastal natural resource areas, including recommendations on methods to simplify governmental procedures;

(B) agency or subdivision actions that are not consistent with the coastal management program; and

(C) population growth of, infrastructure needs of, and use of resources on the coast.

SECTION 17. Sections 33.208(b) and (c), Natural Resources Code, are amended to read as follows:

(b) If the attorney general issues an opinion under Section 33.206(c) that a proposed agency or subdivision action is inconsistent with the coastal management program and the agency or subdivision fails to implement the commissioner's [council's] recommendation regarding the action, the attorney general shall file suit in a district court of Travis County to enforce this subchapter. The court shall consider the attorney general's opinion in determining whether the proposed action is consistent with the coastal management program.

(c) Notwithstanding the request of an opinion from, or the filing of suit by, the attorney general, the commissioner [council] and the agency or subdivision may enter into a settlement agreement with regard to the proposed agency or subdivision action. If the commissioner [council] and the agency or subdivision enter into a settlement agreement, the commissioner [council] may rescind the commissioner's [its] request for an opinion from the attorney general.

SECTION 18. Section 33.209, Natural Resources Code, is amended to read as follows:

Sec. 33.209. PROHIBITION ON SPECIAL AREA MANAGEMENT PLANS. The land office [council] may not develop or approve a special area management plan, including a plan for an area designated under the national estuary program.

SECTION 19. The following provisions of the Natural Resources Code are repealed:

- (1) Section 33.004(13);
- (2) Section 33.052(c);
- (3) Section 33.203(20);
- (4) Sections 33.204(b), (c), and (d);
- (5) Section 33.2042;
- (6) Section 33.2043;

- (7) Section 33.2044;
- (8) Section 33.2045;
- (9) Section 33.2053(g);
- (10) Section 33.211; and
- (11) Section 33.212.

SECTION 20. (a) Effective September 1, 2011, the Coastal Coordination Council is abolished and the powers and duties of the council are transferred to the General Land Office in accordance with Chapter 33, Natural Resources Code, as amended by this Act.

(b) As soon as possible after the effective date of this Act, the presiding officers of the appropriate entities shall appoint the members of the Coastal Coordination Advisory Committee in accordance with Section 33.2041, Natural Resources Code, as amended by this Act.

(c) All rules of the Coastal Coordination Council are continued in effect as rules of the General Land Office until superseded by a rule of the land office. A certification issued by the council is continued in effect as provided by the law in effect immediately before the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act. An activity conducted by the council is considered to be an activity conducted by the land office.

(d) A reference in another law or an administrative rule to the Coastal Coordination Council means the General Land Office.

(e) On September 1, 2011, or as soon as is possible after that date, the commissioner of the General Land Office shall adopt a comprehensive plan to ensure the smooth transition of all programs operated by the Coastal Coordination Council before September 1, 2011, from the council to the land office. During the transition, the General Land Office shall consult with the National Oceanic and Atmospheric Administration as necessary to ensure continued compliance with federal requirements and to maintain federal approval of the Texas Coastal Management Program.

(f) All money, records, property, and equipment in the possession of the Coastal Coordination Council on September 1, 2012, shall be transferred to the possession of the General Land Office on September 1, 2012, or as soon as possible after that date.

SECTION 21. This Act takes effect September 1, 2011.

Floor Amendment No. 1

Amend **CSSB 656** (house committee printing) as follows:

(1) In SECTION 11 of the bill, strike amended Section 33.205(c), Natural Resources Code (page 7, line 14, through page 8, line 10), and substitute:

(c) The commissioner [~~council~~] may [~~not~~] review a proposed agency or subdivision action subject to the requirements of Subsections (a) and (b) [~~of this section~~] for consistency with the goals and policies of the coastal management program if [~~unless~~]:

(1) the consistency determination for the proposed action was contested by:

(A) a [~~council~~] member of the committee or an agency that was a party in a formal hearing under Chapter 2001, Government Code, or in an alternative dispute resolution process; or

(B) another ~~[a council member or other]~~ person by the filing of written comments with the agency before the action was proposed if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available;

(2) a person described by Subdivision (1) ~~[of this subsection]~~ files a request for referral alleging a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program; and

(3) any three members of the committee ~~[council]~~ other than the representative ~~[director]~~ of the Texas ~~[A&M University]~~ Sea Grant College Program agree that there is a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program and the matter is referred to the commissioner for review ~~[placed on the agenda for a council meeting]~~.

(2) In SECTION 15 of the bill, in amended Section 33.206(d), Natural Resources Code (page 15, lines 16-17), strike "~~[chair or any three members]~~" and substitute "~~[chair]~~ or any three committee members".

(3) In SECTION 15 of the bill, in amended Section 33.206(e), Natural Resources Code (page 15, lines 21-22), strike "the commissioner determines ~~[any three members of the council agree]~~" and substitute "any three committee members ~~[of the council]~~ agree".

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 656**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1153 WITH HOUSE AMENDMENTS

Senator Williams called **SB 1153** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1153** by adding the following appropriately numbered SECTION to the bill;

SECTION _____. Section 39.4526, Utilities Code, is amended to read as follows:

(g) The commission shall be precluded from engaging any lobbyist, as defined in Section 305.003 of Texas Government Code, under Subsection (a).

Floor Amendment No. 1 on Third Reading

Amend second reading Floor Amendment No. 1, **SB 1153**, as follows:

SECTION _____. Section 39.4526, Utilities Code, is amended to read as follows:

~~(f) [(g)]~~ The commission shall be precluded from engaging any individual who is required to register under [lobbyist, as defined in] Section 305.003 of the Texas Government Code [under Subsection (a)].

The amendments were read.

Senator Williams moved to concur in the House amendments to **SB 1153**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1160 WITH HOUSE AMENDMENTS

Senator Seliger called **SB 1160** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1160** (house committee printing) by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 75.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER, FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER.

SECTION _____. Section 75.006, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) In this section:

(1) "Federal law enforcement officer" means a law enforcement officer as defined by 5 U.S.C. Section 8331(20).

(2) "Firefighter" means a member of a fire department who performs a function listed in Section 419.021(3)(C), Government Code.

(3) ~~[(2)]~~ "Livestock" has the meaning assigned by Section 1.003, Agriculture Code.

(4) ~~[(3)]~~ "Peace officer" has the meaning assigned by Section 1.07, Penal Code, or other state or federal law.

(c) An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the agricultural land with or without the permission of the owner, lessee, or occupant. The owner, lessee, or occupant of agricultural land is not liable for the damage or injury regardless of whether the damage or injury occurs on the agricultural land.

(d) The owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of an individual who, because of the actions of a peace officer or federal law enforcement officer, enters or causes another person to enter the agricultural land without the permission of the owner, lessee, or occupant.

(e) This section does not limit the liability of an owner, lessee, or occupant of agricultural land for any damage or injury that arises from a willful or wanton act or gross negligence by the owner, lessee, or occupant.

Floor Amendment No. 1 on Third Reading

Amend Amendment No. 1 of **SB 1160** by amending Subsection (c) as follows:

(c) An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another

person to enter the agricultural land with or without the permission of the owner, lessee, or occupant. ~~The owner, lessee, or occupant of agricultural land is not liable for the damage or injury~~ regardless of whether the damage or injury occurs on the agricultural land.

The amendments were read.

Senator Seliger moved to concur in the House amendments to **SB 1160**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills: **SB 1929**, **SB 1930**.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1929 by Seliger

Relating to the application of the professional prosecutors law to the district attorney for the 287th Judicial District.

To Committee on Jurisprudence.

SB 1930 by Nelson

Relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.

To Committee on Natural Resources.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 2295 to Committee on Business and Commerce.

CONFERENCE COMMITTEE ON HOUSE BILL 1956

Senator Carona called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1956** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 1956** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Carona, Chair; Eltife, Lucio, Harris, and Watson.

HOUSE BILL 3814 REREFERRED
(Motion In Writing)

Senator Wentworth submitted a Motion In Writing requesting that **HB 3814** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Administration.

The Motion In Writing prevailed without objection.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today during the introduction of bills and resolutions on first reading and tomorrow during the Local and Uncontested Calendar Session.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on International Relations and Trade might meet today.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:46 p.m. agreed to recess, in honor of Timothy Moore and Fernando Meza, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Myra McDaniel, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 8 to Committee on Business and Commerce.

HB 122 to Committee on Jurisprudence.

HB 257 to Committee on Finance.

HB 300 to Committee on Health and Human Services.

HB 442 to Committee on Transportation and Homeland Security.

HB 528 to Committee on State Affairs.

HB 577 to Committee on Health and Human Services.
HB 595 to Committee on Criminal Justice.
HB 654 to Committee on Finance.
HB 673 to Committee on Transportation and Homeland Security.
HB 742 to Committee on Education.
HB 753 to Committee on Health and Human Services.
HB 762 to Committee on State Affairs.
HB 777 to Committee on Transportation and Homeland Security.
HB 783 to Committee on Criminal Justice.
HB 807 to Committee on Health and Human Services.
HB 818 to Committee on Education.
HB 826 to Committee on Education.
HB 872 to Committee on Intergovernmental Relations.
HB 961 to Committee on Criminal Justice.
HB 970 to Committee on Economic Development.
HB 971 to Committee on Business and Commerce.
HB 1009 to Committee on Criminal Justice.
HB 1033 to Committee on Economic Development.
HB 1071 to Committee on Intergovernmental Relations.
HB 1080 to Committee on Agriculture and Rural Affairs.
HB 1090 to Committee on Intergovernmental Relations.
HB 1111 to Committee on Jurisprudence.
HB 1135 to Committee on State Affairs.
HB 1178 to Committee on Economic Development.
HB 1226 to Committee on State Affairs.
HB 1315 to Committee on Economic Development.
HB 1335 to Committee on Education.
HB 1354 to Committee on State Affairs.
HB 1389 to Committee on Criminal Justice.
HB 1395 to Committee on Transportation and Homeland Security.
HB 1456 to Committee on Business and Commerce.
HB 1500 to Committee on Open Government.
HB 1502 to Committee on State Affairs.
HB 1517 to Committee on Transportation and Homeland Security.
HB 1604 to Committee on International Relations and Trade.
HB 1610 to Committee on Education.
HB 1616 to Committee on State Affairs.
HB 1619 to Committee on Intergovernmental Relations.
HB 1649 to Committee on Intergovernmental Relations.
HB 1678 to Committee on State Affairs.
HB 1720 to Committee on Health and Human Services.
HB 1723 to Committee on Criminal Justice.
HB 1749 to Committee on Transportation and Homeland Security.
HB 1772 to Committee on State Affairs.
HB 1821 to Committee on Intergovernmental Relations.
HB 1834 to Committee on Education.

HB 1839 to Committee on Economic Development.
HB 1840 to Committee on Agriculture and Rural Affairs.
HB 1896 to Committee on Transportation and Homeland Security.
HB 1930 to Committee on Criminal Justice.
HB 1931 to Committee on Jurisprudence.
HB 1942 to Committee on Education.
HB 1983 to Committee on Health and Human Services.
HB 1985 to Committee on Jurisprudence.
HB 1988 to Committee on Criminal Justice.
HB 1992 to Committee on Agriculture and Rural Affairs.
HB 2048 to Committee on Finance.
HB 2052 to Committee on State Affairs.
HB 2061 to Committee on Health and Human Services.
HB 2077 to Committee on Natural Resources.
HB 2100 to Committee on Intergovernmental Relations.
HB 2109 to Committee on Health and Human Services.
HB 2127 to Committee on Agriculture and Rural Affairs.
HB 2160 to Committee on Intergovernmental Relations.
HB 2172 to Committee on State Affairs.
HB 2173 to Committee on State Affairs.
HB 2195 to Committee on Transportation and Homeland Security.
HB 2205 to Committee on Intergovernmental Relations.
HB 2220 to Committee on Intergovernmental Relations.
HB 2284 to Committee on Business and Commerce.
HB 2285 to Committee on Criminal Justice.
HB 2366 to Committee on Education.
HB 2367 to Committee on Jurisprudence.
HB 2371 to Committee on Transportation and Homeland Security.
HB 2374 to Committee on Criminal Justice.
HB 2396 to Committee on Transportation and Homeland Security.
HB 2477 to Committee on State Affairs.
HB 2549 to Committee on Government Organization.
HB 2576 to Committee on Health and Human Services.
HB 2577 to Committee on Criminal Justice.
HB 2584 to Committee on Intergovernmental Relations.
HB 2604 to Committee on Business and Commerce.
HB 2636 to Committee on Health and Human Services.
HB 2651 to Committee on Transportation and Homeland Security.
HB 2655 to Committee on Business and Commerce.
HB 2663 to Committee on Natural Resources.
HB 2671 to Committee on Transportation and Homeland Security.
HB 2699 to Committee on Business and Commerce.
HB 2703 to Committee on Health and Human Services.

- HB 2723** to Committee on State Affairs.
HB 2735 to Committee on Criminal Justice.
HB 2742 to Committee on Agriculture and Rural Affairs.
HB 2761 to Committee on Intergovernmental Relations.
HB 2784 to Committee on Economic Development.
HB 2810 to Committee on Finance.
HB 2826 to Committee on Natural Resources.
HB 2872 to Committee on Transportation and Homeland Security.
HB 2882 to Committee on State Affairs.
HB 2899 to Committee on Jurisprudence.
HB 2903 to Committee on Health and Human Services.
HB 2940 to Committee on Health and Human Services.
HB 2947 to Committee on Open Government.
HB 2948 to Committee on Transportation and Homeland Security.
HB 2949 to Committee on Jurisprudence.
HB 2969 to Committee on Natural Resources.
HB 2972 to Committee on Intergovernmental Relations.
HB 2973 to Committee on State Affairs.
HB 2993 to Committee on Criminal Justice.
HB 3002 to Committee on Natural Resources.
HB 3071 to Committee on Natural Resources.
HB 3078 to Committee on State Affairs.
HB 3085 to Committee on Health and Human Services.
HB 3090 to Committee on Natural Resources.
HB 3096 to Committee on Intergovernmental Relations.
HB 3109 to Committee on Natural Resources.
HB 3116 to Committee on Business and Commerce.
HB 3117 to Committee on Business and Commerce.
HB 3134 to Committee on Natural Resources.
HB 3135 to Committee on Education.
HB 3145 to Committee on Health and Human Services.
HB 3161 to Committee on State Affairs.
HB 3182 to Committee on Finance.
HB 3197 to Committee on Health and Human Services.
HB 3269 to Committee on Natural Resources.
HB 3278 to Committee on Education.
HB 3298 to Committee on Transportation and Homeland Security.
HB 3311 to Committee on Jurisprudence.
HB 3329 to Committee on Business and Commerce.
HB 3337 to Committee on State Affairs.
HB 3346 to Committee on Criminal Justice.
HB 3391 to Committee on Natural Resources.
HB 3395 to Committee on Government Organization.
HB 3396 to Committee on Criminal Justice.
HB 3457 to Committee on Intergovernmental Relations.
HB 3468 to Committee on Education.

HB 3506 to Committee on Education.
HB 3573 to Committee on Business and Commerce.
HB 3582 to Committee on State Affairs.
HB 3689 to Committee on Higher Education.
HB 3722 to Committee on Transportation and Homeland Security.
HB 3724 to Committee on Health and Human Services.
HB 3771 to Committee on Transportation and Homeland Security.
HB 3796 to Committee on Jurisprudence.
HB 3808 to Committee on Agriculture and Rural Affairs.
HB 3811 to Committee on Intergovernmental Relations.
HB 3846 to Committee on Intergovernmental Relations.
HCR 86 to Committee on Government Organization.
HCR 98 to Committee on Agriculture and Rural Affairs.
HCR 133 to Committee on Government Organization.
HJR 63 to Committee on Intergovernmental Relations.

CO-AUTHORS OF SENATE BILL 471

On motion of Senator West, Senators Deuell, Rodriguez, and Uresti will be shown as Co-authors of **SB 471**.

CO-AUTHOR OF SENATE BILL 1360

On motion of Senator Harris, Senator Patrick will be shown as Co-author of **SB 1360**.

CO-AUTHOR OF SENATE BILL 1866

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 1866**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 943 by Watson, In memory of David M. Himmelblau of Austin.

HCR 116 (Harris), In memory of the Reverend Clinton Roderick Dobson of Arlington.

Congratulatory Resolutions

SCR 53 by Watson, Recognizing the Texas Heritage Songwriters' Association for fostering and preserving Texas culture.

SR 939 by Harris, Recognizing The University of Texas at Arlington women's tennis team for winning the Southland Conference championship title.

SR 940 by Watson, Recognizing Abundant Life Community Baptist Church of Austin on the occasion of the dedication of its new location.

SR 941 by Watson, Recognizing Central Health, CommUnityCare, and The University of Texas at Austin School of Nursing for creating a nurse practitioner residency program.

SR 942 by Watson, Recognizing the Austin Jokers Fast Pitch Softball Team on the occasion of its 50th anniversary.

SR 944 by Lucio, Recognizing Silver Ribbon Community Partners for its service to the elderly and disabled citizens of Hidalgo and Starr Counties.

RECESS

Pursuant to a previously adopted motion, the Senate at 4:55 p.m. recessed, in honor of Timothy Moore and Fernando Meza, until 8:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 9, 2011

BUSINESS AND COMMERCE — SB 995

TRANSPORTATION AND HOMELAND SECURITY — CSHB 563, HB 1251, CSHB 1112, CSSB 1611, CSSB 1572, CSSB 197, HB 993, HB 885, HB 591, CSSB 1402

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 1645, CSSB 1493

EDUCATION — CSSB 975

CRIMINAL JUSTICE — HB 27, HB 3000, HB 1779, HB 1770, HB 1567, HB 1566, HB 988, HB 1573, HB 1344, SB 1787, SB 578

TRANSPORTATION AND HOMELAND SECURITY — CSSB 1485

STATE AFFAIRS — HB 184, HB 1503, HB 1570, HB 1789, HB 2144, HB 2277, HB 2920, HB 3255

ECONOMIC DEVELOPMENT — CSSB 1175

INTERGOVERNMENTAL RELATIONS — CSHB 345

FINANCE — CSSJR 14, CSSB 516

BUSINESS AND COMMERCE — CSSB 1309

BILLS ENGROSSED

May 6, 2011

SB 546, SB 1113, SB 1214, SB 1417, SB 1543, SB 1584, SB 1729, SB 1806, SB 1905

BILLS AND RESOLUTIONS ENROLLEDMay 6, 2011

**SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195,
SB 1272, SB 1303, SB 1490, SB 1568, SB 1716, SJR 4, SR 924, SR 928, SR 929,
SR 930, SR 931, SR 932, SR 933, SR 934, SR 936, SR 937**

SENT TO SECRETARY OF STATEMay 9, 2011**SJR 4****SENT TO GOVERNOR**May 9, 2011

**SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195,
SB 1272, SB 1303, SB 1490, SB 1568, SB 1716**

In Memory
of
Myra McDaniel

House Concurrent Resolution 139

WHEREAS, The State of Texas lost an admired public servant and civic leader with the death of former secretary of state Myra McDaniel of Austin on February 25, 2010, at the age of 77; and

WHEREAS, Born in Philadelphia on December 13, 1932, the former Myra Atwell was the daughter of Eva and Toronto Atwell; she attended the prestigious Philadelphia High School for Girls and earned her bachelor's degree in English from the University of Pennsylvania; after her marriage to Reuben McDaniel, she became the proud mother of two children, Diane and Reuben; and

WHEREAS, Mrs. McDaniel began her career as a management analyst and served in administrative positions at Baldwin Wallace College in Ohio and at Indiana University; in 1975, she completed her law degree at The University of Texas School of Law and she went on to work in the office of the Texas attorney general; she became chief of the taxation division in 1979 and then worked as counsel for the Railroad Commission before entering private practice in Midland; and

WHEREAS, In 1984, Governor Mark White appointed Mrs. McDaniel as his general counsel; she became the first African American secretary of state in Texas history two years later, and her intellect, integrity, and wisdom greatly benefited her fellow citizens; treating all those around her with thoughtfulness and respect, she won the loyalty of her staff and set a sterling example of leadership during her three-year tenure; and

WHEREAS, This esteemed woman continued to serve as a mentor and role model after returning to private practice, and in 1995, she became one of the first African American women to lead a major law firm, Bickerstaff, Heath, Smiley, Pollan, Kever, and McDaniel, as managing partner; over the course of her distinguished legal career, she served as counsel for Austin Community College and Capital Metro, and she continued to work part-time for Bickerstaff Heath well into her seventies; and

WHEREAS, Deeply committed to her community, Mrs. McDaniel won numerous awards for her contributions; she served on the boards of St. Edward's University, Seton Hospital, the Episcopal Seminary of the Southwest, and many other organizations; a valued member of St. James Episcopal Church, she served as a senior warden and edited the church newsletter; more than a mere fan of the UT women's basketball team, she generously shared her time and expertise with young athletes, offering special encouragement over the years to those interested in pursuing law degrees; and

WHEREAS, Myra McDaniel inspired innumerable people through her remarkable achievements and unyielding dedication to public service, and her positive influence will continue to resonate in the myriad lives she touched in the years to come; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay special tribute to the memory of Myra McDaniel and extend sincere condolences to the members of her family: to her husband, Reuben R. McDaniel, Jr.; to her children, Diane Rhodes and Reuben McDaniel III; to her seven grandchildren and two great-grandchildren; and to her many other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Myra McDaniel.

ELLIS

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SIXTH DAY

(Continued)

(Tuesday, May 10, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSSB 40 (Zaffirini)

Relating to the functions of the Texas Guaranteed Student Loan Corporation.

(viva voce vote) (31-0) (31-0)

CSSB 467 (Wentworth)

Relating to power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

(viva voce vote) (31-0) (31-0)

SB 649 (Hinojosa)

Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

(viva voce vote) (31-0) (31-0)

SB 765 (Uresti)

Relating to the territory of the El Paso County Water Control and Improvement District No. 4.

(viva voce vote) (31-0) (31-0)

CSSB 1073 (Jackson)

Relating to rainwater harvesting systems that are connected to public water supply systems.

(viva voce vote) (31-0) (31-0)

CSSB 1114 (Wentworth)

Relating to the regulation of driver training schools and instructors.

(viva voce vote) (31-0) (31-0)

SB 1285 (Watson)

Relating to contributions to the retirement systems for certain police officers in certain municipalities.

(viva voce vote) (31-0) (31-0)

CSSB 1330 (Watson)

Relating to driving safety courses for individuals younger than 25 years of age receiving deferred disposition for certain traffic offenses.

(viva voce vote) (31-0) (31-0)

CSSB 1735 (Van de Putte)

Relating to limited purpose subsidiary life insurance companies.

(viva voce vote) (31-0) (31-0)

CSSB 1880 (Huffman)

Relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds.

(viva voce vote) (31-0) (31-0)

SB 1881 (Wentworth)

Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

(viva voce vote) (31-0) (31-0)

CSSB 1906 (Wentworth)

Relating to certain notice requirements for municipalities and counties under the open meetings law.

(viva voce vote) (31-0) (31-0)

CSSB 1907 (Wentworth)

Relating to access to certain archaic information.

(viva voce vote) (31-0) (31-0)

SB 1922 (Lucio)

Relating to the creation of the Port Isabel Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

HB 438 (Carona)

Relating to health benefit plan coverage for orally administered anticancer medications.

(viva voce vote) (31-0) (31-0)

HB 457 (Nelson)

Relating to restrictions on the promotion and operation of charitable raffles.
(viva voce vote) (31-0) (31-0)

HB 1147 (Wentworth)

Relating to notice by a governmental entity regarding certain geospatial data products.
(viva voce vote) (31-0) (31-0)

HB 1322 (Lucio)

Relating to the possession of fish in the tidal water of this state.
(viva voce vote) (31-0) (31-0)

HB 1527 (Uresti)

Relating to the certification of the state's primary standards of weights and measures.
(viva voce vote) (31-0) (31-0)

HB 1753 (Uresti)

Relating to the threshold amount at which public utilities are required to report a transaction.
(viva voce vote) (31-0) (31-0)

HB 2012 (Gallegos)

Relating to certain prohibited dealings between a wholesaler and retailer of alcoholic beverages.
(viva voce vote) (31-0) (31-0)

HB 2375 (Carona)

Relating to practices and professions regulated by the Texas Appraiser Licensing and Certification Board.
(viva voce vote) (31-0) (31-0)

HB 2559 (Harris)

Relating to commercial motor vehicle installment sales.
(viva voce vote) (31-0) (31-0)

HB 2680 (Hegar)

Relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.
(viva voce vote) (31-0) (31-0)

HB 2991 (Carona)

Relating to a determination of the reasonable relation of certain transactions to particular jurisdictions.
(viva voce vote) (31-0) (31-0)

HB 3287 (Carona)

Relating to license renewals by the Texas Department of Licensing and Regulation.
(viva voce vote) (31-0) (31-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Jackson, author of the bill, requested in writing that **SB 1074** be removed from the Local and Uncontested Calendar.

Senator Uresti, sponsor of the bill, requested in writing that **HB 447** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:11 a.m. adjourned, in memory of Myra McDaniel, until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SEVENTH DAY

(Tuesday, May 10, 2011)

The Senate met at 11:18 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

Monsignor Louis Pavlicek, Saint Helen Catholic Church, Georgetown, was introduced by Senator Ogden and offered the invocation as follows:

Loving and gracious God, the giver of life and sustainer of life, we pray for the Members of the Senate of the State of Texas. They have been entrusted with the responsibility of the highest deliberative and legislative function of our state. Bless them with the gift of wisdom in decision making and governance. May the laws which they enact in cooperation with the other governing bodies be permeated with the eternal values which reflect Your vision for all of creation, namely, the sanctity of human life, justice, equality, truthfulness, peace, and a concern for the common good. May their efforts to be good stewards be pleasing to You, we pray, now and forever. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 10, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 274

Creighton

Relating to the reform of certain remedies and procedures in civil actions and family law matters.

SB 887

Carona

Sponsor: Riddle

Relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

SB 977

Hinojosa

Sponsor: Torres

Relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Timothy Vachris of Austin as the Physician of the Day.

The Senate welcomed Dr. Vachris and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 955

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the 50th anniversary of the Freedom Rides of 1961 and to welcome Robert Farrell, a participant in those historic efforts, which played a key role in the struggle for racial equality in the United States; and

WHEREAS, In May of 1961, an interracial group of bus riders set out to test the new law that forbade segregation in interstate transportation; organized by the Congress of Racial Equality and the Student Nonviolent Coordinating Committee, these riders employed the strategy of nonviolence to draw attention to the multiple injustices of segregation; and

WHEREAS, The rides began in Washington, D.C., where two teams of riders boarded buses to travel to New Orleans, with their route taking them through the deep South and exposing them to the threat of violent reprisals; the start of the trip went well, and the group was welcomed in Atlanta by Dr. Martin Luther King, Jr.; later along the route, however, the buses were attacked and riders were beaten by crowds; and

WHEREAS, The Freedom Riders' refusal to be intimidated, their steadfast and righteous defiance, and their brave commitment to their mission helped bring about the nationwide public realization that integration was a moral imperative while also inspiring the immediate and direct support of hundreds of young people, both black and white, who came from across the country to join them; and

WHEREAS, In August of that same year, another group of riders, including Robert Farrell, set forth from Los Angeles by train to further the cause of helping our nation implement the ideals of its founding; these riders were arrested and jailed in Houston for nonviolently attempting to desegregate that city's Union Station Coffee Shop; and

WHEREAS, These struggles for equality brought to the forefront many young people whose experiences in the Freedom Rides inspired them to become leaders in the civil rights movement and in their communities; leaders such as Congressman John Lewis of Georgia and longtime Los Angeles Councilman Robert Farrell have served as an inspiration to generations of activists working to effect societal change; and

WHEREAS, The Freedom Rides played a vital role in bringing attention to the inequities faced by African Americans in this country; it is truly fitting that they be recognized as a vital part of our shared history on the occasion of their 50th anniversary; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the Freedom Riders on their courage and their dedication to equal rights and call on all Texans to recognize their historic contributions to bringing our nation closer to its principles and ideals; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this significant occasion in our nation's history.

ELLIS
WEST

SR 955 was read and was adopted without objection.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Robert Farrell.

The Senate welcomed its guest.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

ACKNOWLEDGEMENT

Senator Patrick was recognized and acknowledged May 10, 1888, as the date of the first Senate session held in this Capitol.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Assistive and Rehabilitative Services Council: Jon Edward Arnold-Garcia, Bexar County; Tommy G. Fordyce, Walker County; Thomas William Graham, Smith County.

Members, Board of Directors, Coastal Water Authority: Alan Dee Conner, Liberty County; Zebulun Nash, Harris County; Douglas E. Walker, Chambers County.

Members, Finance Commission of Texas: David Jesus Cibrian, Bexar County; Cynthia F. Lyons, El Paso County; Jonathan Bennett Newton, Harris County; Hilliard Judge Shands, Angelina County; William James White, Williamson County.

Members, Real Estate Research Advisory Committee: Mario A. Arriaga, Montgomery County; Russell Lynn Cain, Calhoun County; Jacquelyn Hawkins, Travis County; Kimberly Anne Shambley, Dallas County.

Members, Board of Directors, Rio Grande Regional Water Authority: Wayne Morris Halbert, Cameron County; Paul Glen Heller, Hidalgo County; Brian E. Macmanus, Cameron County; Roel Rodriguez, Hidalgo County; Samuel Robert Sparks, Cameron County.

Members, State Board for Educator Certification: Laurie Bricker, Harris County; Leonard Curtis Culwell, Dallas County; Kathryn Everest, Tarrant County; Suzanne Garcia McCall, Lubbock County; Christine Dona Pogue, Hays County.

Members, State Board of Dental Examiners: James Wesley Chancellor, Comal County; Renee Susanne Cornett, Travis County; David Bradley Dean, Collin County; Tamela L. Gough, Collin County; Christie McAdams Leedy, Taylor County; Evangelia Vionis Mote, Williamson County; Ann Guthrie Pauli, El Paso County; John Thomas Steen, Harris County.

Members, Task Force on Indigent Defense: Jon H. Burrows, Bell County; Knox Fitzpatrick, Dallas County; Anthony C. Odiorne, Potter County; Olen U. Underwood, Montgomery County; B. Glen Whitley, Tarrant County.

Members, Texas Board of Licensure for Professional Medical Physicists: Charles Ward Beasley, Harris County; Douglas Allen Johnson, Brazos County; James Robert Marbach, Bexar County; Alvin Lee Schlichtemeier, Collin County; Kiran Kantilal Shah, Fort Bend County.

Members, Governing Board, Texas Department of Rural Affairs: Nina Remelle Marlow Farrar, Foard County; Bryan Keith Tucker, Childress County; Patrick Lee Wallace, Henderson County.

Members, Texas Medical Board: Julie K. Attebury, Potter County; Stanley Suchy Wang, Travis County; George Willeford, Travis County; Irvin Edwin Zeitler, Concho County.

Members, Texas State Board of Social Worker Examiners: Theresa Argumaniz Gomez, El Paso County; Nancy Ann Pearson, Washington County; Denise V. Pratt, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CONCLUSION OF MORNING CALL

The President at 11:43 a.m. announced the conclusion of morning call.

(Senator Eltife in Chair)

HOUSE BILL 444 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 444** at this time on its second reading:

HB 444, Relating to notification of applications for permits for certain injection wells.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 444 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 444** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a SAMMinistries delegation: Phillip Bogochow, Erika Hizel, and Pamela Harper.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE**HOUSE BILL 908 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 908** at this time on its second reading:

CSHB 908, Relating to the division of community property on dissolution of marriage.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE**HOUSE BILL 908 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 908** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 371 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 371** at this time on its second reading:

SB 371, Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 371 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 371** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 669 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 669** at this time on its second reading:

CSSB 669, Relating to requests to inspect or be provided with copies of information under the public information law.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE

SENATE BILL 669 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 669** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 843 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 843** at this time on its second reading:

CSHB 843, Relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 843 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 843** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 755 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 755** at this time on its second reading:

HB 755, Relating to eligibility of certain dependents for coverage under the state employee group benefits program.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 755 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 755** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1380 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1380** at this time on its second reading:

CSHB 1380, Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1380 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1380** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 841 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 841** at this time on its second reading:

HB 841, Relating to certain statutory references to the Department of Family and Protective Services.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 841 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 841** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1405 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1405** at this time on its second reading:

CSHB 1405, Relating to provision by a health benefit plan of prescription drug coverage specified by formulary and to modifications of that coverage.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1405 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1405** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Deuell submitted the following statement of legislative intent for **CSHB 1405**:

We recognize that formularies change often and that membership is always changing. It is our intention that this bill requires only one notice per year.

DEUELL

HOUSE BILL 1061 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **HB 1061** at this time on its second reading:

HB 1061, Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.

The motion prevailed.

Senator Fraser asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1061** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 825.3012, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b) of this section and any provision of Section 825.301, before September 1, 2019, not more than 10 percent of the value of the total investment portfolio of the retirement system may be invested in hedge funds. This subsection expires September 1, 2019.

The amendment to **HB 1061** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Fraser, Huffman.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1061 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Fraser.

HOUSE BILL 1061 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1061** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 471 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 471** at this time on its second reading:

CSSB 471, Relating to public school, child-placing agency, and day-care center policies addressing sexual abuse and other maltreatment of children.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 471 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 471** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 200 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 200** at this time on its second reading:

CSSB 200, Relating to reports, notices, and records required of institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 200 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2376 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2376** at this time on its second reading:

CSHB 2376, Relating to the regulation of plumbing.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2376 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1829 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1829** at this time on its second reading:

CSHB 1829, Relating to an application for emergency detention and to the transfer to a mental hospital of a person admitted for emergency detention.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1829** (senate committee printing) by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 573.012, Health and Safety Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) A judge or magistrate may permit an applicant who is a physician to present an application by:

(1) e-mail with the application attached as a secure document in a portable document format (PDF); or

(2) secure electronic means, including:

(A) satellite transmission;

(B) [5] closed-circuit television transmission; [5] or

(C) any other method of two-way electronic communication that:

(i) [(+) is secure;

(ii) [(2)] is available to the judge or magistrate; and

(iii) [(3)] provides for a simultaneous, compressed full-motion video and interactive communication of image and sound between the judge or magistrate and the applicant.

(h-1) After the presentation of an application under Subsection (h), the judge or magistrate may transmit a warrant to the applicant:

(1) electronically, if a digital signature, as defined by Article 2.26, Code of Criminal Procedure, is transmitted with the document; or

(2) by e-mail with the warrant attached as a secure document in a portable document format (PDF), if the identifiable legal signature of the judge or magistrate is transmitted with the document.

The amendment to **CSHB 1829** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1829 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1829 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1829** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 146 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 146** at this time on its second reading:

CSSB 146, Relating to the offense of smuggling of persons and unlawful transport of an individual; providing penalties.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 146** (Senate Committee Printing) in SECTION 2 of the bill, in added Section 20.05(d), Penal Code (page 1, lines 41 and 42), by striking "third" each place it appears in the subsection and substituting "second".

The amendment to **CSSB 146** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 146 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 146 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 146** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1404 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1404** at this time on its second reading:

HB 1404, Relating to certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1404 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1404** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1857 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1857** at this time on its second reading:

CSSB 1857, Relating to the administration of medication for persons with intellectual and developmental disabilities.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1857** (senate committee printing) as follows:

(1) In SECTION 2(a) of the bill (page 3, line 23), strike ", and must end on August 31, 2012".

(2) In SECTION 2(d) of the bill (page 3, line 45), strike "2013" and substitute "2015".

The amendment to **CSSB 1857** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1857 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1857 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1857** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1449 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1449** at this time on its second reading:

SB 1449, Relating to an alternative method of satisfying certain licensing and program participation requirements for chemical dependency treatment facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1449 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1449** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 5 ON SECOND READING**

Senator Zaffirini again moved to suspend the regular order of business to resume consideration of **CSSB 5** at this time on its second reading:

CSSB 5, Relating to the administration and business affairs of public institutions of higher education.

The motion prevailed.

Senator Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSSB 5** as amended as follows:

Strike all of added Article __, Miscellaneous Provisions, as added by Floor Amendment 8, in its entirety.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 16.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 4 of the bill, by striking Section 4.01 (page 6, lines 48-65), and renumbering subsequent sections accordingly.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 17.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 5 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ogden.

**COMMITTEE SUBSTITUTE
SENATE BILL 5 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1671 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1671** at this time on its second reading:

SB 1671, Relating to the Teacher Retirement System of Texas.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1671** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subsection (i), Section 411.081, Government Code, as amended by Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B. 1599), and 1027 (H.B. 4343), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

(10) the Texas Youth Commission;

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

(16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital district;

(18) the Texas Juvenile Probation Commission;

(19) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, or the credit union commissioner;

(20) the Texas State Board of Public Accountancy;

(21) the Texas Department of Licensing and Regulation;

(22) the Health and Human Services Commission;

(23) the Department of Aging and Disability Services;

(24) the Texas Education Agency; ~~and~~

(25) the Guardianship Certification Board; ~~and~~

(26) a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;

~~(27)~~ (25) the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or

(B) a contractor or subcontractor of the Department of Information

Resources;

~~(28)~~ (25) the Court Reporters Certification Board; ~~and~~

~~(29)~~ (25) the Texas Department of Insurance; and

~~(30)~~ the Teacher Retirement System of Texas.

SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0971 to read as follows:

Sec. 411.0971. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEACHER RETIREMENT SYSTEM OF TEXAS. (a) The Teacher Retirement System of Texas is entitled to obtain from the department, the

Federal Bureau of Investigation Criminal Justice Information Services Division, or another law enforcement agency criminal history record information maintained by the department, division, or agency that relates to a person who:

(1) is an employee or an applicant for employment with the retirement system;

(2) is a consultant, contract employee, independent contractor, intern, or volunteer for the retirement system or an applicant to serve in one of those positions;

(3) proposes to enter into a contract with or has a contract with the retirement system to perform services for or supply goods to the retirement system; or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the retirement system.

(b) Criminal history record information obtained by the Teacher Retirement System of Texas under Subsection (a) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information; or

(3) to a federal agency as required by federal law or executive order.

(c) The Teacher Retirement System of Texas shall destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section.

(d) The Teacher Retirement System of Texas may provide a copy of the criminal history record information obtained from the department, the Federal Bureau of Investigation Criminal Justice Information Services Division, or other law enforcement agency to the individual who is the subject of the information.

(e) The failure or refusal of an employee or applicant to provide the following on request constitutes good cause for dismissal or refusal to hire:

(1) a complete set of fingerprints;

(2) a true and complete name; or

(3) other information necessary for a law enforcement entity to obtain criminal history record information.

SECTION 3. Subchapter F, Chapter 551, Government Code, is amended by adding Section 551.130 to read as follows:

Sec. 551.130. BOARD OF TRUSTEES OF TEACHER RETIREMENT SYSTEM OF TEXAS: QUORUM PRESENT AT ONE LOCATION. (a) In this section, "board" means the board of trustees of the Teacher Retirement System of Texas.

(b) This chapter does not prohibit the board or a board committee from holding an open or closed meeting by telephone conference call.

(c) The board or a board committee may hold a meeting by telephone conference call only if a quorum of the applicable board or board committee is physically present at one location of the meeting.

(d) A telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must also specify:

(1) the location of the meeting where a quorum of the board or board committee, as applicable, will be physically present; and

(2) the intent to have a quorum present at that location.

(e) The location where a quorum is physically present must be open to the public during the open portions of a telephone conference call meeting. The open portions of the meeting must be audible to the public at the location where the quorum is present and be tape-recorded at that location. The tape recording shall be made available to the public.

(f) The location of the meeting shall provide two-way communication during the entire telephone conference call meeting, and the identification of each party to the telephone conference call must be clearly stated before the party speaks.

(g) The authority provided by this section is in addition to the authority provided by Section 551.125.

(h) A member of the board who participates in a board or board committee meeting by telephone conference call but is not physically present at the location of the meeting is not considered to be absent from the meeting for any purpose. The vote of a member of the board who participates in a board or board committee meeting by telephone conference call is counted for the purpose of determining the number of votes cast on a motion or other proposition before the board or board committee.

(i) A member of the board may participate remotely by telephone conference call instead of by being physically present at the location of a board meeting for not more than one board meeting per calendar year. A board member who participates remotely in any portion of a board meeting by telephone conference call is considered to have participated in the entire board meeting by telephone conference call. For purposes of the limit provided by this subsection, remote participation by telephone conference call in a meeting of a board committee does not count as remote participation by telephone conference call in a meeting of the board, even if:

(1) a quorum of the full board attends the board committee meeting; or

(2) notice of the board committee meeting is also posted as notice of a board meeting.

(j) A person who is not a member of the board may not speak at the meeting from a remote location by telephone conference call, except as provided by Section 551.129.

SECTION 4. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.153 to read as follows:

Sec. 552.153. EXCEPTION: NAME OF APPLICANT FOR EXECUTIVE DIRECTOR, CHIEF INVESTMENT OFFICER, OR CHIEF AUDIT EXECUTIVE OF TEACHER RETIREMENT SYSTEM OF TEXAS. The name of an applicant for the position of executive director, chief investment officer, or chief audit executive of the Teacher Retirement System of Texas is excepted from the requirements of Section 552.021, except that the board of trustees of the Teacher Retirement System of Texas must give public notice of the names of three finalists being considered for one of those positions at least 21 days before the date of the meeting at which the final action or vote is to be taken on choosing a finalist for employment.

SECTION 5. Section 804.003, Government Code, is amended by amending Subsections (f) and (g) and adding Subsection (p) to read as follows:

(f) A domestic relations order is a qualified domestic relations order only if such order:

(1) clearly specifies the:

(A) name~~[, social security number,]~~ and last known mailing address~~[, if any,]~~ of:

(i) the member or retiree; and

(ii) ~~[the name, social security number, and mailing address of]~~ each alternate payee covered by the order; and

(B) social security number, or an express authorization for the parties to use an alternate method acceptable to the public retirement system to verify the social security number, of the member or retiree and each alternate payee covered by the order;

(2) clearly specifies the amount or percentage of the member's or retiree's benefits to be paid by a public retirement system to each such alternate payee or the manner in which such amount or percentage is to be determined;

(3) clearly specifies the number of payments or the period to which such order applies;

(4) clearly specifies that such order applies to a designated public retirement system;

(5) does not require the public retirement system to provide any type or form of benefit or any option not otherwise provided under the plan;

(6) does not require the public retirement system to provide increased benefits determined on the basis of actuarial value;

(7) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order; and

(8) does not require the payment of benefits to an alternate payee before the retirement of a member, the distribution of a withdrawal of contributions to a member, or other distribution to a member required by law.

(g) A public retirement system may reject a domestic relations order as a qualified domestic relations order unless the order:

(1) provides for a proportional reduction of the amount awarded to an alternate payee in the event of the retirement of the member before normal retirement age;

(2) does not purport to require the designation of a particular person as the recipient of benefits in the event of a member's or annuitant's death;

(3) does not purport to require the selection of a particular benefit payment plan or option;

(4) provides clearly for each possible benefit distribution under plan provisions;

(5) does not require any action on the part of the retirement system contrary to its governing statutes or plan provision other than the direct payment of the benefit awarded to an alternate payee;

(6) does not make the award of an interest contingent on any condition other than those conditions resulting in the liability of a retirement system for payments under its plan provisions;

(7) does not purport to award any future benefit increases that are provided or required by the legislature; ~~[and]~~

(8) provides for a proportional reduction of the amount awarded to an alternate payee in the event that benefits available to the retiree or member are reduced by law; and

(9) if required by the retirement system, conforms to a model order adopted by the retirement system.

(p) A public retirement system may assess administrative fees on a party who is subject to a domestic relations order for the review of the order under this subchapter and, as applicable, for the administration of payments under an order that is determined to be qualified. In addition to other methods of collecting fees that a retirement system may establish, the retirement system may deduct fees from payments made under the order.

SECTION 6. Subdivision (15), Section 821.001, Government Code, is amended to read as follows:

(15) "School year" means[-

~~[(A) a 12-month period beginning [approximately] September 1 and ending [approximately] August 31 of the next calendar year[- or~~

~~[(B) for a member whose contract or oral or written work agreement begins after June 30 and continues after August 31 of the same calendar year, a period not to include more than 12 months beginning on the date the contract or agreement begins].~~

SECTION 7. Section 821.008, Government Code, is amended to read as follows:

Sec. 821.008. PURPOSE OF RETIREMENT SYSTEM. (a) The purpose of the retirement system is to invest and protect funds of the retirement system and to deliver the benefits provided by statute, not to advocate or influence legislative action or inaction or to advocate higher benefits.

(b) This section does not prohibit comments by an employee of the retirement system on federal laws, regulations, or other official actions or proposed actions affecting or potentially affecting the retirement system that are made in accordance with policies adopted by the board.

SECTION 8. Section 823.002, Government Code, is amended by adding Subsection (b) to read as follows:

(b) A member shall notify the retirement system in writing of membership service that has not been properly credited by the retirement system on an annual statement. The member must provide verification and make deposits as required by the retirement system before the service may be credited. A member must notify the retirement system of the service in writing on or before the last day of the fifth school year after the end of the school year in which the service was rendered for the service to be credited.

SECTION 9. The heading to Section 823.304, Government Code, is amended to read as follows:

Sec. 823.304. USERRA ~~[REEMPLOYED VETERAN'S]~~ CREDIT.

SECTION 10. Subsections (a), (c), and (d), Section 823.304, Government Code, are amended to read as follows:

(a) A person eligible to establish USERRA [~~reemployed veteran's~~] credit is one who qualifies under the Uniformed Services Employment and [Veteran's] Reemployment Rights Act of 1994, 38 U.S.C. Section 4301 [2021] et seq., for the benefits of reemployment in a position included within the membership of the retirement system and who is entitled under that Act to additional credit and benefits from the retirement system because of the person's active duty in the armed forces of the United States.

(c) A person may establish credit under this section by depositing with the retirement system for each year of service claimed an amount equal to[-

~~(1)] the member contributions to the retirement system, as determined by the retirement system, that the person would have made had the person continued to be employed in the person's former position covered by the retirement system during the entire period of active duty in the armed forces for which the person is to receive retirement credit[; and~~

~~(2) a fee of five percent, compounded annually, of the required contribution from the date of the person's first eligibility to establish the credit to the date of deposit].~~

(d) To the extent required by the Uniformed Services Employment and [Veteran's] Reemployment Rights Act of 1994 and permitted by Sections 401(a) and 415 of the Internal Revenue Code of 1986 (26 U.S.C. Sections 401 and 415), the retirement system may:

(1) grant the person service credit for the period of active duty in the armed forces as if the person had been employed in a position eligible for membership and credit with the retirement system if the person establishes credit by making the required deposits, or, if the person has not made the required deposits, consider the period of active duty for the purpose of determining whether the person meets the length-of-service eligibility requirements for retirement or other benefits administered by the retirement system as if the person had established the credit; and

(2) include in relevant benefit computations under this subtitle the annual compensation, as determined by the retirement system, that would have been otherwise received by the person for service covered by the retirement system during any year in which the person had active duty in the armed forces.

SECTION 11. Subsection (c), Section 823.401, Government Code, is amended to read as follows:

(c) A member eligible to establish credit under this section is one who has at least five years of service credit in the retirement system for actual service in public schools, including at least one year completed after the relevant out-of-state service.

SECTION 12. Subsections (c), (d), and (e), Section 823.402, Government Code, are amended to read as follows:

(c) A member eligible to establish credit under this section is one who:

(1) has at least five years of service credited [~~credit~~] in the retirement system before the developmental leave occurs; [and]

(2) has, [is an employee of a public school] at the time the required deposits for the credit are paid, at least one year of membership service credit in the retirement system following the developmental leave; and

(3) has at least five years of service credited in the retirement system at the time the required deposits for the credit are paid [is sought].

(d) On or before the date a member takes developmental leave, the member must ~~shall~~ file with the retirement system a notice of intent to take developmental leave, and the member's employer must ~~shall~~ file with the retirement system a certification that the leave meets the requirements of Subsection (b). The notice of intent and the certification must be in the form required by the retirement system. Leave is not creditable in the retirement system if the member does not submit notice of intent and obtain the certification required by this subsection.

(e) A member may establish credit under this section by depositing with the retirement system for each year of developmental leave certified the actuarial present value, at the time of deposit, of the additional standard retirement annuity benefits that would be attributable to the purchase of the service credit under this section, based on rates and tables recommended by the retirement system's actuary and adopted by the board of trustees ~~[elaimed an amount equal to the sum of:~~

~~(1) the rate of member contributions required during the year of leave, times the member's annual rate of compensation during the member's most recent year of creditable service that preceded the year of leave; plus~~

~~(2) the amount that the state would have contributed had the member performed membership service during the year of leave at the member's annual rate of compensation during the most recent year of service that preceded the leave].~~

SECTION 13. Subsection (c), Section 823.501, Government Code, is amended to read as follows:

(c) A member may reinstate canceled credit under this section by depositing with the retirement system:

(1) the amount withdrawn or refunded; plus

(2) a reinstatement fee of eight ~~six~~ percent, compounded annually, of the amount withdrawn or refunded from the date of withdrawal or refund to the date of redeposit.

SECTION 14. Subchapter A, Chapter 824, Government Code, is amended by adding Section 824.008 to read as follows:

Sec. 824.008. DEDUCTIONS FROM AMOUNTS PAYABLE BY THE RETIREMENT SYSTEM. (a) Notwithstanding Section 821.005, the retirement system may deduct the amount of a person's indebtedness to the retirement system from an amount payable by the retirement system to the person or the person's estate and the distributees of the estate.

(b) If the retirement system makes a payment to a participant who is deceased and the payment is not payable, the retirement system may deduct the amount of the payment from any amount payable by the retirement system to a person who received the payment or to that person's estate and distributees of the estate.

SECTION 15. Section 824.1013, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c), a beneficiary designated under this section is entitled on the retiree's death to receive monthly payments of the survivor's portion of the retiree's optional retirement annuity for the remainder of the

beneficiary's life if the beneficiary designated at the time of the retiree's retirement is a trust and the beneficiary designated under this section is the sole beneficiary of that trust.

SECTION 16. Subsection (a), Section 824.103, Government Code, is amended to read as follows:

(a) Benefits payable on the death of a member or annuitant, except an optional retirement annuity under Section 824.204(c)(1), (c)(2), or (c)(5), are payable, and rights to elect survivor benefits, if applicable, are available, to one of the classes of persons described in Subsection (b), if:

- (1) the member or annuitant fails to designate a beneficiary before death;
- (2) a designated beneficiary does not survive the member or annuitant; ~~or~~
- (3) a designated beneficiary, under Section 824.004, waives claims to

benefits payable on the death of the member or annuitant;

(4) a beneficiary designation is revoked under Section 824.101(g); or

(5) a person is not eligible to receive a benefit under Section 824.105.

SECTION 17. Section 824.105, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (f) to read as follows:

(a) A benefit payable on the death of a member or annuitant may not be paid to a person who has been convicted of causing that death or who is otherwise ineligible under Subsection (f) but instead is payable to a person who would be entitled to the benefit had the convicted or otherwise ineligible person predeceased the decedent.

(c) The retirement system shall reduce any annuity computed in part on the age of the convicted or otherwise ineligible person to a lump sum equal to the present value of the remainder of the annuity. The reduced amount is payable to a person entitled as provided by this section to receive the benefit.

(d) The retirement system is not required to pay benefits under this section unless it receives actual notice of the conviction or other ground of ineligibility of a beneficiary. However, the retirement system may delay payment of a benefit payable on the death of a member or annuitant pending the results of a criminal investigation and of legal proceedings relating to the cause of death.

(f) A person is ineligible to receive a benefit payable on the death of a member or annuitant if the person is:

(1) found not guilty by reason of insanity under Chapter 46C, Code of Criminal Procedure, of causing the death of the member or annuitant; or

(2) the subject of an indictment, information, complaint, or other charging instrument alleging that the person caused the death of the member or annuitant and the person is determined to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure.

SECTION 18. Subsections (a-1) and (b-1), Section 824.202, Government Code, are amended to read as follows:

(a-1) This subsection applies only to a person who becomes a member of the retirement system on or after September 1, 2007 [~~2006~~]. A member subject to this subsection is eligible to retire and receive a standard service retirement annuity if:

(1) the member is at least 65 years old and has at least five years of service credit in the retirement system; or

(2) the member is at least 60 years old and has at least five years of service credit in the retirement system and the sum of the member's age and amount of service credit in the retirement system equals the number 80.

(b-1) This subsection applies only to a person who becomes a member of the retirement system on or after September 1, 2007 [2006]. If a member subject to this subsection is at least 55 years old and has at least five years of service credit in the retirement system, but does not meet the requirements under Subsection (d-1), the member is eligible to retire and receive a service retirement annuity reduced from the standard service retirement annuity available under Subsection (a-1)(1), to a percentage derived from the following table:

Age at date of retirement	55	56	57	58	59	60	61	62	63	64	65
Percentage of standard annuity receivable	47%	51%	55%	59%	63%	67%	73%	80%	87%	93%	100%

SECTION 19. Section 824.405, Government Code, is amended to read as follows:

Sec. 824.405. TABLES FOR DETERMINATION OF DEATH BENEFIT ANNUITY. For the purpose of computing a death benefit annuity under Section 824.402(a)(4) or Section 824.403, the board of trustees shall extend the tables[-

~~[(+)] in Section 824.202 [824.202(b) or (b-1), as applicable,] to ages earlier than indicated in the tables [55 years] by actuarially reducing the benefit available under the applicable table [at the age of 55 years] to the actuarial equivalent at the attained age of the member [beneficiary; and~~

~~[(2) in Section 824.202(b) or (d-1), as applicable, to ages earlier than the earliest retirement age by actuarially reducing the benefit available at the earliest retirement age to the actuarial equivalent at the attained age of the beneficiary].~~

SECTION 20. Section 824.601, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1) or Section 824.602, a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution.

(b-1) Subsection (b) does not apply to a retiree under Section 824.202 whose effective date of retirement is on or before January 1, 2011.

SECTION 21. Subsection (a), Section 824.602, Government Code, as amended by Chapters 674 (S.B. 132) and 1359 (S.B. 1691), Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months [~~work occurs in not more than six months of a school year that begins~~] after the retiree's effective date of retirement; or

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree[;]

~~[(5) in a position as a classroom teacher on as much as a full time basis, if the retiree has retired under Section 824.202(a) or (a-1), is certified under Subchapter B, Chapter 21, Education Code, to teach the subjects assigned, is teaching in an acute shortage area as determined by the board of trustees of a school district as provided by Subsection (m), and has been separated from service with all public schools for at least 12 months;~~

~~[(6) in a position as a principal, including as an assistant principal, on as much as a full time basis, if the retiree has retired under Section 824.202(a) or (a-1) without reduction for retirement at an early age, is certified under Subchapter B, Chapter 21, Education Code, to serve as a principal, and has been separated from service with all public schools for at least 12 months;~~

~~[(7) as a bus driver for a school district on as much as a full time basis, if the retiree has retired under Section 824.202(a) or (a-1), and the retiree's primary employment is as a bus driver; or~~

~~[(8) as a faculty member, during the period beginning with the 2005 fall semester and ending on the last day of the 2015 spring semester, in an undergraduate professional nursing program or graduate professional nursing program, as defined by Section 54.221, Education Code, and if the retiree has been separated from service with all public schools for at least 12 months].~~

SECTION 22. Subsection (g), Section 824.602, Government Code, is amended to read as follows:

(g) The exceptions provided by Subsections (a)(2) and (a)(3) do not apply to disability retirees. The retirement system nevertheless may not withhold a monthly benefit payment under Section 824.601 if:

(1) a disability retiree is employed in a Texas public educational institution in a position, other than as a substitute, for a period not to exceed three consecutive months [~~of the school year~~];

(2) the work occurs in a period, designated by the disability retiree, of no more than three consecutive months [~~of a school year~~];

(3) the disability retiree executes on a form and at a time prescribed by the retirement system a written election to have this exception apply on a one-time trial basis in determining whether benefits are to be suspended for the months of employment after retirement and in determining whether a disability retiree is no longer mentally or physically incapacitated for the performance of duty; and

(4) the disability retiree has not previously elected to avoid loss of monthly benefits [~~in a school year~~] under this subsection.

SECTION 23. Section 824.603, Government Code, is amended to read as follows:

Sec. 824.603. EXCLUSION FROM CREDIT. Employment of a retiree described by Section 824.601(b-1) or 824.602(a) does not entitle the [a] retiree to additional service credit, and the retiree so employed is not required to make contributions to the system from compensation for that employment.

SECTION 24. Section 825.002, Government Code, is amended by amending Subsections (f) and (g) and adding Subsection (h) to read as follows:

(f) Persons considered for nomination under Subsection (c), (d), or (e) must have been nominated [~~by written ballot~~] at an election conducted under rules adopted by the board of trustees.

(g) To provide for the nomination of persons for appointment under Subsection (d), the board shall send to each retiree of the retirement system:

- (1) notice of the deadline for filing as a candidate for nomination;
- (2) information on procedures to follow in filing as a candidate; and

(3) instructions on how to request a paper ballot or vote in another manner established by the board, including by telephone or other electronic means [~~a written ballot~~].

(h) If only two persons are nominated under Subsection (c), (d), or (e), the governor shall appoint a member of the board to the applicable trustee position from the slate of two nominated persons. If only one person is nominated under Subsection (c), (d), or (e), the governor shall appoint that person to the applicable trustee position. If no member or retiree is nominated for a position under Subsection (c), (d), or (e), the governor shall appoint to the applicable trustee position a person who otherwise meets the qualifications required for the position.

SECTION 25. Subsection (c), Section 825.206, Government Code, is amended to read as follows:

(c) The board of trustees annually shall evaluate the performance of the actuary during the previous year. At least once every four [~~three~~] years, the board shall redesignate its actuary after advertising for and reviewing proposals from providers of actuarial services.

SECTION 26. Section 825.215, Government Code, is amended to read as follows:

Sec. 825.215. ADVOCACY PROHIBITED. (a) An employee of the retirement system may not advocate increased benefits or engage in activities to advocate or influence legislative action or inaction. Advocacy or activity of this nature is grounds for dismissal of an employee.

(b) This section does not prohibit comments by an employee of the retirement system on federal laws, regulations, or other official actions or proposed actions affecting or potentially affecting the retirement system that are made in accordance with policies adopted by the board.

SECTION 27. Section 825.315, Government Code, is amended to read as follows:

Sec. 825.315. PROHIBITED USE OF ASSETS. (a) Assets of the retirement system may not be used to advocate or influence the outcome of an election or the passage or defeat of any legislative measure. This prohibition may not be construed to prevent any trustee or employee from furnishing information in the hands of the trustee or employee that is not considered confidential under law to a member or

committee of the legislature, to any other state officer or employee, or to any private citizen, at the request of the person or entity to whom the information is furnished. This prohibition does not apply to the incidental use of retirement system facilities by groups of members or retirees or by officers or employees of state agencies.

(b) This section does not prohibit the use of system assets by an employee of the retirement system to comment on federal laws, regulations, or other official actions or proposed actions affecting or potentially affecting the retirement system that are made in accordance with policies adopted by the board.

SECTION 28. Subsections (h) and (j), Section 825.403, Government Code, are amended to read as follows:

(h) If deductions were previously required but not paid, the retirement system may not provide benefits based on the service or compensation unless the deposits required by this section have been fully paid. The person's employer at the time the unreported service was rendered or compensation was paid must verify the service or compensation as required by Subsection (j) and the person must submit the verification to the retirement system not later than five years after ~~[member shall pay the amount of those deductions plus a fee computed at a rate of five percent a year on the unpaid amount from]~~ the end of the school year in which the service was rendered or compensation was paid. To establish the service or compensation credit, the person must deposit with the retirement system the actuarial present value, at the time of deposit, of the additional standard retirement annuity benefits that would be attributable to the purchase of service or compensation credit under this section, based on rates and tables recommended by the retirement system's actuary and adopted by the board of trustees ~~[deductions first became due or the end of the 1974-75 school year, whichever is later, to the date of payment]~~. The board of trustees shall:

(1) prescribe terms for payments under this subsection; and

(2) credit the person ~~[member]~~ for prior service to which the person ~~[member]~~ is entitled under this subtitle~~[-and~~

~~[(3) deposit the fee required by this subsection in the state contribution account].~~

(j) If deductions were previously required ~~[of a member]~~ but not paid, proof of service satisfactory to the retirement system must be made before service credit is granted or payment for the credit is required. Proof of service is sufficient if the person's ~~[member's]~~ employer documents that the employer has records made at or near the time of service that establish the amount of time worked and salary earned. ~~[A member may submit in lieu of employer documentation internal revenue, social security, bank, or other written records that were made at or near the time of service and that establish the amount of time worked and salary earned.]~~ An affidavit based on memory without written records made at or near the time of service is not sufficient documentation for the establishment of service credit. The retirement system may audit records used for documentation under this subsection. A person who does not obtain proof of service as required by this section may not establish the service or compensation credit.

SECTION 29. Section 825.408, Government Code, is amended to read as follows:

Sec. 825.408. INTEREST ON CONTRIBUTIONS AND FEES; DEPOSITS IN TRUST. (a) An employer [~~employing district~~] that fails to remit, before the seventh day after the last day of a month, all member and employer deposits and documentation of the deposits required by this subchapter to be remitted by the employer [~~district~~] for the month shall pay to the retirement system, in addition to the deposits, interest on the unpaid or undocumented amounts at an annual rate compounded monthly. The rate of interest is the rate established under Section 825.313(b)(1), plus two percent. Interest required under this section is creditable to the interest account. On request, the retirement system may grant a waiver of the deadline imposed by this subsection based on an employer's [~~a district's~~] financial or technological resources.

(b) An employer [~~employing district~~] and its trustees or other governing body hold amounts due to the retirement system under this subtitle in trust for the retirement system and its members and may not divert the amounts to any other purpose.

SECTION 30. Subsection (b), Section 825.507, Government Code, is amended to read as follows:

(b) The retirement system may release records of a participant, including a participant to which Chapter 803 applies, to:

(1) the participant or the participant's attorney or guardian or another person who the executive director determines is acting on behalf of the participant;

(2) the executor or administrator of the deceased participant's estate, including information relating to the deceased participant's beneficiary, or if an executor or administrator of the deceased participant's estate has not been named, a person or entity who the executive director determines is acting in the interest of the deceased participant's estate, or an heir, legatee, or devisee of the deceased participant;

(3) a spouse or former spouse of the participant if the executive director determines that the information is relevant to the spouse's or former spouse's interest in member accounts, benefits, or other amounts payable by the retirement system;

(4) an administrator, carrier, consultant, attorney, or agent acting on behalf of the retirement system;

(5) a governmental entity, an employer, or the designated agent of an employer, only to the extent the retirement system needs to share the information to perform the purposes of the retirement system, as determined by the executive director;

(6) a person authorized by the participant in writing to receive the information;

(7) a federal, state, or local criminal law enforcement agency that requests a record for a law enforcement purpose;

(8) the attorney general to the extent necessary to enforce child support; or

(9) a party in response to a subpoena issued under applicable law if the executive director determines that the participant will have a reasonable opportunity to contest the subpoena.

SECTION 31. Subsection (a), Section 825.515, Government Code, is amended to read as follows:

(a) At least annually, the retirement system shall acquire and maintain records identifying members and the types of positions they hold as members. The type of position shall be identified as Administrative/Professional, Teacher/Full-Time Librarian, Support, ~~or~~ Bus Driver, or Peace Officer. For each member identified as a Peace Officer, the records must specify whether the member is an employee of an institution of higher education or of a public school that is not an institution of higher education. An employer shall provide the information required by this section in the form and manner specified by the retirement system.

SECTION 32. Subdivision (1), Section 1575.003, Insurance Code, is amended to read as follows:

(1) "Dependent" means:

(A) the spouse of a retiree;

(B) an unmarried child of a retiree or deceased active member if the child is younger than 25 years of age, including:

(i) an adopted child;

(ii) a foster child, stepchild, or other child who is in a regular parent-child relationship; or

(iii) a recognized natural child;

(C) a retiree's recognized natural child, adopted child, foster child, stepchild, or other child who is in a regular parent-child relationship and who lives with or has his or her care provided by the retiree or surviving spouse on a regular basis regardless of the child's age, if the child has a mental disability [~~is mentally retarded~~] or is physically incapacitated to an extent that the child is dependent on the retiree or surviving spouse for care or support, as determined by the trustee; or

(D) a deceased active member's recognized natural child, adopted child, foster child, stepchild, or other child who is in a regular parent-child relationship, without regard to the age of the child, if, while the active member was alive, the child:

(i) lived with or had the child's care provided by the active member on a regular basis; and

(ii) had a mental disability [~~was mentally retarded~~] or was physically incapacitated to an extent that the child was dependent on the active member or surviving spouse for care or support, as determined by the trustee.

SECTION 33. Section 1575.206, Insurance Code, is amended to read as follows:

Sec. 1575.206. CONTRIBUTIONS HELD IN TRUST FOR FUND. An employing public school [~~district~~] and its governing body [~~trustees~~]:

(1) hold contributions required by this subchapter in trust for the fund and its participants; and

(2) may not divert the contributions for any other purpose.

SECTION 34. Section 1575.207, Insurance Code, is amended to read as follows:

Sec. 1575.207. INTEREST ASSESSED ON LATE PAYMENT OF DEPOSITS BY EMPLOYING PUBLIC SCHOOLS [~~SCHOOL DISTRICTS~~]. (a) An employing public school [~~district~~] that does not remit to the trustee all contributions required by this subchapter before the seventh day after the last day of the month shall pay to the fund:

(1) the contributions; and
(2) interest on the unpaid amounts at the annual rate of six percent compounded monthly.

(b) On request, the trustee may grant a waiver of the deadline imposed by this section based on an employing public school's ~~[district's]~~ financial or technological resources.

SECTION 35. Section 1579.004, Insurance Code, is amended to read as follows:

Sec. 1579.004. DEFINITION OF DEPENDENT. In this chapter, "dependent" means:

(1) a spouse of a full-time employee or part-time employee;
(2) an unmarried child of a full-time or part-time employee if the child is younger than 25 years of age, including:

(A) an adopted child;

(B) a foster child, stepchild, or other child who is in a regular parent-child relationship; and

(C) a recognized natural child;

(3) a full-time or part-time employee's recognized natural child, adopted child, foster child, stepchild, or other child who is in a regular parent-child relationship and who lives with or has his or her care provided by the employee or the surviving spouse on a regular basis, regardless of the child's age, if the child has a mental disability ~~[is mentally retarded]~~ or is physically incapacitated to an extent that the child is dependent on the employee or surviving spouse for care or support, as determined by the board of trustees; and

(4) notwithstanding any other provision of this code, any other dependent of a full-time or part-time employee specified by rules adopted by the board of trustees.

SECTION 36. (a) The following sections of the Government Code are repealed:

(1) Subsection (i), Section 823.401;

(2) Subsections (g) and (h), Section 823.402;

(3) Subsection (e), Section 823.501;

(4) Subsections (c), (d), (m), (p), and (q), Section 824.602; and

(5) Section 825.3021.

(b) Section 57, Chapter 1359 (S.B. 1691), Acts of the 79th Legislature, Regular Session, 2005, is repealed.

SECTION 37. The change in law made by this Act to Section 804.003, Government Code, applies only to a qualified domestic relations order entered on or after the effective date of this Act. A qualified domestic relations order entered before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 38. Subdivision (15), Section 821.001, Government Code, as amended by this Act, applies beginning with the 2012-2013 school year.

SECTION 39. A member of the Teacher Retirement System of Texas who seeks credit under Subsection (b), Section 823.002, Government Code, as added by this Act, for service rendered before September 1, 2011, but not properly credited to a

member's annual statement, must notify the retirement system not later than the date specified in Subsection (b), Section 823.002, Government Code, as added by this Act, or August 31, 2016, whichever is later.

SECTION 40. Subsections (d) and (e), Section 823.401, Government Code, as amended by Section 10, Chapter 1359 (S.B. 1691), Acts of the 79th Legislature, Regular Session, effective September 1, 2005, apply to a person who was a member of the Teacher Retirement System of Texas on December 31, 2005, and to out-of-state service performed before January 1, 2006, notwithstanding Section 57 of that Act.

SECTION 41. The changes in law made by this Act to Section 824.105, Government Code, apply only to the death of a member or annuitant of the Teacher Retirement System of Texas that is caused by conduct that occurs on or after the effective date of this Act. The death of a member or annuitant that is caused by conduct that occurs before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 42. (a) A person who resumed employment after retirement and whose benefit payments were suspended under Section 824.601, Government Code, as that section existed before amendment by this Act, is entitled to the resumption of monthly benefit payments if the person meets the requirements of Section 824.601(b-1), Government Code, as added by this Act, or Section 824.602, Government Code, as amended by this Act.

(b) The Teacher Retirement System of Texas shall resume making monthly benefit payments to a person described by Subsection (a) of this section on the first payment date occurring on or after the effective date of this Act.

(c) A person who is entitled to the resumption of monthly benefit payments under this section is not entitled to recover benefit payments not made during the period the person's benefit was suspended under Section 824.601, Government Code, as that section existed before amendment by this Act.

SECTION 43. The change in law made by this Act to Section 825.002, Government Code, applies only to a vacancy on the board of trustees of the Teacher Retirement System of Texas for a term that expires on or after the effective date of this Act. A vacancy for a term that expires before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 44. For unreported service rendered or unreported compensation paid before the effective date of this Act, the verification required under Subsection (h), Section 825.403, Government Code, as amended by this Act, must be received by the Teacher Retirement System of Texas not later than August 31, 2016.

SECTION 45. (a) Notwithstanding the service credit cost provisions of Section 40 of this Act and Subsection (e), Section 823.402, Subdivision (2), Subsection (c), Section 823.501, and Subsection (h), Section 825.403, Government Code, as amended by this Act, a person may establish service credit by paying the deposits and fees required under Sections 823.402, 823.501, and 825.403, Government Code, and by Section 57, Chapter 1359 (S.B. 1691), Acts of the 79th Legislature, Regular Session, 2005, as those sections existed before amendment or repeal by this Act, if:

(1) the person otherwise meets all eligibility requirements under those sections as amended by this Act;

(2) the service for which credit is sought to be established was rendered, or the compensation for which credit is sought was paid, before the effective date of this Act; and

(3) the person makes payment for the service credit, or enters into an installment agreement for payment, not later than August 31, 2013.

(b) If a person has an installment agreement under Subsection (a) of this section that is terminated after August 31, 2013, before the person has made all of the payments, the person may establish credit only as provided by Sections 823.402, 823.501, and 825.403, Government Code, as amended by this Act, and by Section 40 of this Act.

SECTION 46. The change in law made by this Act to Subsection (b), Section 825.507, Government Code, applies only to the release of records by the Teacher Retirement System of Texas on or after the effective date of this Act. The release of records before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 47. (a) Notwithstanding Subsection (a), Section 825.404, Government Code, for the state fiscal year ending August 31, 2012, the amount of the state contribution to the Teacher Retirement System of Texas under that section may be less than the amount contributed by members during that fiscal year.

(b) Notwithstanding Subsection (a), Section 1575.202, Insurance Code, for the state fiscal year ending August 31, 2013, the state may contribute an amount to the retired school employees group insurance fund that is less than one percent of the salary of each active employee.

SECTION 48. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 49. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

The amendment to **SB 1671** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent: Williams.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1671 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent: Williams.

SENATE BILL 1671 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1671** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 274 to Committee on State Affairs.

HB 388 to Committee on Veteran Affairs and Military Installations.

HB 710 to Committee on Health and Human Services.

HB 751 to Committee on Administration.

HB 1224 to Committee on Education.

HB 1278 to Committee on Intergovernmental Relations.

HB 1418 to Committee on State Affairs.

HB 1638 to Committee on Criminal Justice.

HB 1788 to Committee on Agriculture and Rural Affairs.

HB 2029 to Committee on Business and Commerce.

HB 2038 to Committee on Health and Human Services.

HB 2042 to Committee on Finance.

HB 2197 to Committee on Intergovernmental Relations.

HB 2329 to Committee on Criminal Justice.

HB 2610 to Committee on Health and Human Services.

HB 2678 to Committee on Transportation and Homeland Security.

HB 2704 to Committee on Education.

HB 2814 to Committee on State Affairs.

HB 2902 to Committee on Economic Development.

HB 3393 to Committee on Jurisprudence.

HB 3473 to Committee on Criminal Justice.

HB 3483 to Committee on Business and Commerce.

HOUSE CONCURRENT RESOLUTION 133 REREFERRED

(Motion In Writing)

Senator Hinojosa submitted a Motion In Writing requesting that **HCR 133** be withdrawn from the Committee on Government Organization and rereferred to the Committee on Administration.

The Motion In Writing prevailed without objection.

(President in Chair)

HOUSE BILL 1917 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1917** at this time on its second reading:

HB 1917, Relating to the removal of appointed emergency services commissioners by a commissioners court.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1917 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1917** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 370 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 370** at this time on its second reading:

CSHB 370, Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 370** (senate committee report) by inserting into the bill the following appropriately numbered new SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0832 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES OTHER THAN FOOTBALL OR BASKETBALL. (a) In this section, "private school" has the meaning assigned by Section 39.033(d).

(b) The University Interscholastic League shall provide private and parochial schools with equal opportunity to become members of the league for the purpose of providing their students with access to league activities other than football or basketball.

(c) This section does not exempt a private or parochial school or its students from satisfying each rule or eligibility requirement imposed by this subchapter or the league for participating in an activity or league district sponsored by the league.

(d) A private or parochial school seeking to participate in a league activity or to become a member of a league district shall apply to the league on a signed form prescribed by the league. The school must certify its eligibility under this subchapter and league rules in the application and must attach proof of accreditation. The league may not impose eligibility requirements for private or parochial schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(e) The league shall determine the appropriate league district in which an eligible private or parochial school will participate using the same standard the league applies to public schools, provided that the private or parochial school may not be placed in a league district lower than the 1A level.

(f) The league shall adopt rules that prohibit an eligible private or parochial school from recruiting any student to attend the school for the purpose of participating in a league activity. A rule adopted under this subsection may not discriminate against an eligible private or parochial school.

(g) To be eligible under this section, a private or parochial school must:

(1) be accredited by an accrediting organization recognized by the agency;

(2) not have had its ability or eligibility to participate in an association similar to the league compromised, revoked, or suspended for violating the rules or codes of that association within the five-year period preceding the date of application to participate in the league;

(3) offer a four-year high school curriculum;

(4) offer interscholastic competition; and

(5) require daily student attendance at a specific location.

(h) Nothing in this section affects the right of a private school participating in league activities during the 2010-2011 school year to continue participating in league activities in subsequent school years in a manner comparable to the school's participation during the 2010-2011 school year.

(i) Notwithstanding any other provision of this section, but subject to Subsection (h), the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities, other than football or basketball, at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities, other than football or basketball, at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities, other than football or basketball, at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities, other than football or basketball, at the 5A league district level beginning with the 2014-2015 school year.

(j) Subsection (i) and this subsection expire September 1, 2015.

The amendment to **CSHB 370** was read and was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Uresti, Wentworth.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 370 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Eltife, Nichols.

COMMITTEE SUBSTITUTE HOUSE BILL 370 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 370** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Nichols.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 2360 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2360** at this time on its second reading:

HB 2360, Relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2360** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 8364.102, Special District Local Laws Code (page 2, line 40), strike "the powers and duties necessary to accomplish the purposes" and substitute "only the powers and duties necessary to accomplish the purposes stated under Section 8364.004".

(2) In SECTION 1 of the bill, strike added Section 8364.103, Special District Local Laws Code (page 2, lines 42-46), and substitute the following:

Sec. 8364.103. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES; LIMITATIONS. (a) Except as provided by Subsections (b) and (c), the authority has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

(b) The authority may not provide wastewater, drainage, solid waste disposal, or road facilities or services.

(c) The authority does not have any power that the member entities do not have.

The amendment to **HB 2360** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2360 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2360 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 501, SB 656, SB 893, SB 980, SB 1104, SB 1153, SB 1160, SB 1168, SB 1341, SB 1680, HB 74.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Business and Commerce might meet today.

ACKNOWLEDGEMENT

Senator Wentworth was recognized and acknowledged May 10, 1888, as the date of the first Senate session held in this Capitol.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider the following bills tomorrow:

HB 970, HB 990, HB 1040, HB 1178, HB 1245, HB 1643, HB 1711, HB 2579, HB 2853, HB 3302, HB 3465.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 1871** today.

CO-AUTHOR OF SENATE BILL 146

On motion of Senator Hinojosa, Senator Patrick will be shown as Co-author of **SB 146**.

CO-AUTHORS OF SENATE BILL 975

On motion of Senator Hinojosa, Senators Patrick, Seliger, Shapiro, and West will be shown as Co-authors of **SB 975**.

CO-SPONSOR OF HOUSE BILL 34

On motion of Senator Shapiro, Senator West will be shown as Co-sponsor of **HB 34**.

CO-SPONSOR OF HOUSE BILL 716

On motion of Senator Fraser, Senator Hinojosa will be shown as Co-sponsor of **HB 716**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 950 by Ellis, In memory of Inez Rogers.

SR 962 by Van de Putte and Uresti, In memory of Phil A. Grothues of San Antonio.

HCR 131 (Jackson), In memory of Howard Victor Reed of Austin.

Congratulatory Resolutions

SR 925 by Van de Putte, Recognizing Eric S. Cooper for receiving the 2011 Executive Director of the Year award from Feeding America.

SR 945 by Gallegos, Recognizing Teresa Recio on the occasion of her retirement from the Greater Houston Area Chapter of the American Red Cross.

SR 946 by Deuell, Recognizing the Van Independent School District on the occasion of its official Texas Historical Marker dedication.

SR 948 by Ellis, Commemorating the anniversary of the unveiling of the African American Texas Legislators Monument at the Texas State Cemetery.

SR 949 by Ellis, Recognizing Jamicia Ellis on the occasion of her high school graduation.

SR 951 by Ellis, Commending Alexander B. Denard for achieving the rank of Eagle Scout.

SR 952 by Harris, Recognizing Arlington Municipal Airport for receiving the 2011 Reliever Airport of the Year Award.

SR 953 by Harris, Recognizing the City of Dalworthington Gardens on the occasion of its 75th anniversary.

SR 954 by Harris, Recognizing Steven E. Simmons for his service to the Texas Department of Transportation.

SR 956 by Zaffirini, Recognizing Sandra Cavazos on the occasion of her retirement from the United Independent School District.

SR 957 by Carona, Recognizing Darren Lathen for his service to the Garland City Council.

SR 958 by Carona, Recognizing Barbara Chick for her service to the Garland City Council.

SR 959 by Carona, Recognizing Christina Yampanis of Dallas for her service to her community.

SR 960 by West, Recognizing Elvis Williams for his service to the Dallas Independent School District.

SR 961 by Van de Putte, Recognizing Asher Samuel Woodhouse for his service to the state and nation as a member of the United States Air Force.

HCR 119 (Jackson), Congratulating James Alford Davis on being named the 2011 Citizen of the Year by the Menard County Chamber of Commerce.

HCR 132 (Jackson), Honoring the Texas State Association of Parliamentarians on the occasion of their annual convention.

Official Designation Resolution

SR 963 by Birdwell, Celebrating May 17, 2011, as BEST Robotics Day at the Capitol.

Legislative Policy Resolution

SR 947 by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber in the State Capitol on February 11 and 12, 2012.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:35 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 10, 2011

ECONOMIC DEVELOPMENT — CSSB 891

STATE AFFAIRS — CSHB 2154, CSHB 2959

INTERNATIONAL RELATIONS AND TRADE — HB 1254, HB 2002

CRIMINAL JUSTICE — CSSB 1358, CSSB 1658, CSSB 1843, CSHB 2014

ADMINISTRATION — HCR 33, HCR 69, CSHB 3726

BUSINESS AND COMMERCE — HB 3141, HB 3004, HB 3570, HB 1401, HB 2495, HB 3487, HB 3389, HB 1390, HB 2727, HB 989, HB 2033, HB 2067, HB 2468, HB 2615, HB 2342

BILLS ENGROSSED

May 9, 2011

SB 303, SB 905, SB 1213, SB 1334, SB 1386, SB 1581, SB 1616, SB 1809, SB 1866, SB 1895

BILLS AND RESOLUTIONS ENROLLED

May 9, 2011

SB 501, SB 656, SB 893, SB 980, SB 1104, SB 1153, SB 1160, SB 1168, SB 1341, SB 1680, SR 916, SR 935, SR 939, SR 940, SR 941, SR 942, SR 943, SR 944

SIGNED BY GOVERNOR

May 9, 2011

SB 85, SB 323, SB 439, SB 488, SB 527, SB 605, SB 630, SB 638, SB 692, SB 777, SB 873, SB 874, SB 914, SB 1226, SB 1230, SB 1846, SCR 43, SCR 44

SENT TO GOVERNOR

May 10, 2011

**SB 501, SB 656, SB 893, SB 980, SB 1104, SB 1153, SB 1160, SB 1168, SB 1341,
SB 1680**

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Wednesday, May 11, 2011)

The Senate met at 11:17 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Dr. Mark Nuckols, Saint Paul Lutheran Church, Austin, was introduced by Senator Watson and offered the invocation as follows:

In the name of the Father and of the Son and of the Holy Spirit, amen. The Lord lives, and blessed be my rock, and exalted be the God of my salvation. With the merciful, O Lord, You show Yourself merciful; with the blameless man, You show Yourself blameless; for You save a humble people, but the haughty eyes You bring down. (Psalm 18:46, 26-27) Have mercy, O Lord, upon these Your chosen servants in this Senate, for they deliberate over many difficult decisions, and as such, they must have the wisdom of Your servant Solomon. Therefore, grant unto them Your wisdom and Your humility for the sake of their constituents and for all Texans. As men and women, bring these, Your Senators, the strength to be faithful and loving husbands and wives. Endow them as nurturing fathers and mothers unto their children. Protect and preserve them from despair with Your loving mercy and with Your limitless grace for the sake of the servant of us all. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 11, 2011 - 1

(Revised Message)

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 12 Solomons
Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

HB 174 Jackson, Jim
Relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

HB 1013 Brown
Relating to the powers and duties of the Texas Medical Board and the regulation of certain persons licensed by the board.

HB 1799 Bonnen
Relating to the exemption of certain real estate professionals from registration as property tax consultants.

HB 1818 Harper-Brown
Relating to the continuation and functions of the Texas State Affordable Housing Corporation and to the appointment of commissioners of a municipal housing authority; providing penalties.

HB 2078 Villarreal
Relating to the independence of appraisal review boards and the enforcement of appraisal review board orders; changing the elements of an offense.

HB 2098 Davis, John
Relating to the authority of physicians and physician assistants to form certain entities.

HB 2203 Otto
Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

HB 2237 Lyne
Relating to the taxation and titling of certain off-road vehicles.

HB 2389 Fletcher
Relating to records of a holder of a motor vehicle title service license.

- HB 2439** Gallego
Relating to posting suggestions and ideas on cost-efficiency and certain budget documents on certain state agency websites.
- HB 2596** Garza
Relating to the authority of local governments to set speed limits on certain roadways.
- HB 2660** Davis, John
Relating to the functions of the Texas Department of Housing and Community Affairs and transferring certain department functions to the Texas State Affordable Housing Corporation.
- HB 2759** Hartnett
Relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.
- HB 2817** Taylor, Larry
Relating to certain election practices and procedures; providing penalties.
- HB 2825** Otto
Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.
- HB 2889** Madden
Relating to the expunction of records and files relating to a person's arrest.
- HB 3017** Smithee
Relating to the prohibited use of discretionary clauses in certain health maintenance organization and insurance contracts.
- HB 3025** Branch
Relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.
- HB 3133** Rodriguez, Eddie
Relating to the appraisal for ad valorem tax purposes of property on which housing is being or has been built or repaired for sale to a low-income individual or family.
- HB 3727** Hilderbran
Relating to the appraisal for ad valorem tax purposes of certain commercial aircraft that are temporarily located in this state for manufacturing or assembly purposes.
- HCR 155** Branch
In memory of Shirley Bird Perry, senior vice president of The University of Texas at Austin.
- HCR 157** Hughes
Congratulating Bill and Marlena Terry of White Oak on the occasion of their 50th wedding anniversary.

- SB 198** West Sponsor: Smith, Todd
Relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.
- SB 250** Zaffirini Sponsor: Anchia
Relating to protective orders for stalking victims.
- SB 529** Huffman Sponsor: Hunter
Relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.
- SB 758** Deuell Sponsor: Hilderbran
Relating to sales and use tax information provided to certain local governmental entities.
- SB 1024** Rodriguez Sponsor: Rodriguez, Eddie
Relating to the prosecution of the offense of theft of service.
- SB 1082** Hegar Sponsor: Laubenberg
Relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.
(Amended)
- SB 1478** Hegar Sponsor: Crownover
Relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.
- SB 1693** Carona Sponsor: Thompson
Relating to periodic rate adjustments by electric utilities.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Uresti was recognized and presented Dr. Horacio Ramirez of San Antonio as the Physician of the Day.

The Senate welcomed Dr. Ramirez and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 10, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Family and Protective Services Council for terms to expire February 1, 2017:

Patricia B. Cole

Fort Worth, Texas

(replacing Mamie Salazar-Harper of El Paso whose term expired)

Anna Maria Jimenez

Corpus Christi, Texas

(replacing Christina Strauch of San Antonio whose term expired)

Benny W. Morris

Cleburne, Texas

(replacing Paul Furukawa of San Antonio whose term expired)

To be the Pecos River Compact Commissioner for a term to expire January 23, 2017:

Fredrick "Rick" Rylander

Iraan, Texas

Mr. Rylander is replacing J. W. Thrasher, Jr. of Monahans whose term expired.

To be members of the State Securities Board for terms to expire January 20, 2017:

David A. Appleby

El Paso, Texas

(replacing Edward Escudero of El Paso whose term expired)

G. Alan Waldrop

Austin, Texas

(replacing Bryan Brown of Spring whose term expired)

To be members of the Board of Pilot Commissioners for Galveston County Ports for terms to expire as indicated:

To Expire February 1, 2012:

Linda R. Rounds

Galveston, Texas

(replacing Sally Prill of Galveston who resigned)

To Expire February 1, 2015:

Edward A. "Eddie" Janek

Galveston, Texas

(Commissioner Janek is being reappointed)

James Earl Toups, Sr.

League City, Texas

(Mr. Toups is being reappointed)

To be members of the Texas Farm and Ranch Lands Conservation Council for terms to expire February 1, 2017:

Pamela McAfee

Driftwood, Texas

(replacing Glen Webb of Abilene whose term expired)

G. Dave Scott, III
Richmond, Texas
(replacing Bob McCan of Victoria whose term expired)

To be a member of the Brazos River Authority Board of Directors for a term to expire February 1, 2017:

Henry W. Munson
Angleton, Texas
Mr. Munson is replacing Mary Ward of Granbury whose term expired.

To be members of the Texas Board Architectural Examiners for terms to expire January 31, 2017:

Debra J. Dockery
San Antonio, Texas
(replacing James Walker, II of Houston whose term expired)

Paula A. Miller
The Woodlands, Texas
(replacing Rosemary Gammon of Plano whose term expired)

Sonya B. Odell
Dallas, Texas
(replacing Peggy Vassberg of Lyford whose term expired)

To be members of the Lavaca-Navidad River Authority for terms to expire May 1, 2017:

Jerry L. Adelman
Palacios, Texas
(replacing Kay Simons of Edna whose term expired)

David M. Muegge
Edna, Texas
(Mr. Muegge is being reappointed)

To be members of the Texas Board of Professional Land Surveying for terms to expire January 31, 2017:

Mary Chruszczak
The Woodlands, Texas
(replacing Douglas Turner of League City whose term expired)

Gerardo M. "Jerry" Garcia
Corpus Christi, Texas
(replacing Anthony Trevino, Jr. of Laredo whose term expired)

Paul P. Kwan
Houston, Texas
(Mr. Kwan is being reappointed)

To be members of the Governing Board of the Texas School for the Deaf for terms to expire January 31, 2017:

Jean F. Andrews
Beaumont, Texas

Shalia H. Cowan
Dripping Springs, Texas

Connie F. Sefcik-Kennedy
Austin, Texas

The individuals listed above are being reappointed.

Respectfully submitted,
/s/Rick Perry
Governor

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Deuell.

Senator Deuell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Senator Watson asked to be recorded as "Present-not voting" on the confirmation of the nominees for the Finance Commission of Texas.

Members, Assistive and Rehabilitative Services Council: Jon Edward Arnold-Garcia, Bexar County; Tommy G. Fordyce, Walker County; Thomas William Grahm, Smith County.

Members, Board of Directors, Coastal Water Authority: Alan Dee Conner, Liberty County; Zebulun Nash, Harris County; Douglas E. Walker, Chambers County.

Members, Finance Commission of Texas: David Jesus Cibrian, Bexar County; Cynthia F. Lyons, El Paso County; Jonathan Bennett Newton, Harris County; Hilliard Judge Shands, Angelina County; William James White, Williamson County. (Watson "Present-not voting")

Members, Real Estate Research Advisory Committee: Mario A. Arriaga, Montgomery County; Russell Lynn Cain, Calhoun County; Jacquelyn Hawkins, Travis County; Kimberly Anne Shambley, Dallas County.

Members, Board of Directors, Rio Grande Regional Water Authority: Wayne Morris Halbert, Cameron County; Paul Glen Heller, Hidalgo County; Brian E. Macmanus, Cameron County; Roel Rodriguez, Hidalgo County; Samuel Robert Sparks, Cameron County.

Members, State Board for Educator Certification: Laurie Bricker, Harris County; Leonard Curtis Culwell, Dallas County; Kathryn Everest, Tarrant County; Suzanne Garcia McCall, Lubbock County; Christine Dona Pogue, Hays County.

Members, State Board of Dental Examiners: James Wesley Chancellor, Comal County; Renee Susanne Cornett, Travis County; David Bradley Dean, Collin County; Tamela L. Gough, Collin County; Christie McAdams Leedy, Taylor County; Evangelia Vionis Mote, Williamson County; Ann Guthrie Pauli, El Paso County; John Thomas Steen, Harris County.

Members, Task Force on Indigent Defense: Jon H. Burrows, Bell County; Knox Fitzpatrick, Dallas County; Anthony C. Odiorne, Potter County; Olen U. Underwood, Montgomery County; B. Glen Whitley, Tarrant County.

Members, Texas Board of Licensure for Professional Medical Physicists: Charles Ward Beasley, Harris County; Douglas Allen Johnson, Brazos County; James Robert Marbach, Bexar County; Alvin Lee Schlichtemeier, Collin County; Kiran Kantilal Shah, Fort Bend County.

Members, Governing Board, Texas Department of Rural Affairs: Nina Remelle Marlow Farrar, Foard County; Bryan Keith Tucker, Childress County; Patrick Lee Wallace, Henderson County.

Members, Texas Medical Board: Julie K. Attebury, Potter County; Stanley Suchy Wang, Travis County; George Willeford, Travis County; Irvin Edwin Zeitler, Concho County.

Members, Texas State Board of Social Worker Examiners: Theresa Argumaniz Gomez, El Paso County; Nancy Ann Pearson, Washington County; Denise V. Pratt, Harris County.

REASON FOR VOTE

Senator Watson submitted the following reason for vote on the nominees for the Finance Commission of Texas:

I serve as a director of a state bank. So, to avoid even the appearance of a conflict, I chose to register as "Present, not voting" on the nominees for the Finance Commission of Texas.

WATSON

SENATE RESOLUTION 917

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Austin Symphony Orchestra on the grand occasion of its 100th anniversary; and

WHEREAS, One of the leading professional performing arts organizations in Austin and Central Texas, the Austin Symphony Orchestra performed its first concert on April 25, 1911, at the Hancock Opera House; and

WHEREAS, Through the years, numerous prominent citizens have played an important role in furthering the orchestra's success, including Mrs. James V. Allred, Mrs. D. J. Sibley, and Joe R. Long; Mayor Tom Miller officially recognized the organization by providing financial support through the Austin Parks and Recreation Department; and

WHEREAS, The Austin Symphony Orchestra has been supported by numerous community organizations, including the Women's Symphony League of Austin and the Knights of the Symphony; it has offered such popular programs as the Classical Series, Pops Concerts, and the annual free Fourth of July concert and fireworks show; and

WHEREAS, Today, the Austin Symphony Orchestra, under the exceptional leadership of music director and conductor Peter Bay, continues to fulfill its mission of enhancing the cultural quality of life of the people of Central Texas by providing excellent musical performances and educational programming; this exemplary organization is truly deserving of recognition for its many contributions to Austin's rich cultural legacy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend congratulations to the Austin Symphony Orchestra on its 100th anniversary and extend best wishes for a prosperous and rewarding future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the orchestra as an expression of esteem from the Texas Senate.

(President Pro Tempore Ogden in Chair)

SR 917 was again read.

The resolution was previously adopted on Wednesday, May 4, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate an Austin Symphony Orchestra Centennial Committee delegation: Joe Long, Honorary Chair; Pat Harris, Centennial Chair; and Peter Bay, Music Director and Conductor; accompanied by committee members, Chuck Kalteyer, Nancy Young, Sonia Wilson, Eva Gayle Gibbs, Anthony Corroa, Jason Nicholson, and Sharlene Strawbridge.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Harmony Science Academy - Brownsville students.

The Senate welcomed its guests.

SENATE RESOLUTION 965

Senator Williams offered the following resolution:

SR 965, In memory of James E. Grayson of Houston and Montgomery.

The resolution was read.

On motion of Senator Williams, **SR 965** was adopted by a rising vote of the Senate.

In honor of the memory of James E. Grayson, the text of the resolution is printed at the end of today's *Senate Journal*.

GUEST PRESENTED

Senator Williams was recognized and introduced to the Senate George Grayson.

The Senate welcomed its guest and extended its sympathy.

HOUSE CONCURRENT RESOLUTION 155

The President Pro Tempore laid before the Senate the following resolution:

HCR 155, In memory of Shirley Bird Perry, senior vice president of The University of Texas at Austin.

WATSON

The resolution was read.

On motion of Senator Watson, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Shirley Bird Perry, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate family members of Shirley Bird Perry: her husband, Sam Perry, and her nieces, Shirley and Jenna Franklin, accompanied by The University of Texas at Austin President Bill Powers.

The Senate welcomed its guests and extended its sympathy.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:44 a.m. announced the conclusion of morning call.

HOUSE BILL 1251 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1251** at this time on its second reading:

HB 1251, Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1251 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1251** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 975 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 975** at this time on its second reading:

CSSB 975, Relating to the operation of dropout recovery programs by certain public junior colleges in partnership with school districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 975 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 975** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1360 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1360** at this time on its second reading:

CSSB 1360, Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1360** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 156.059(b), Occupations Code (page 1, line 35), between "shall" and "review", insert "seek input from affected parties and".

(2) In SECTION 3 of the bill, in added Section 301.304(b), Occupations Code (page 1, line 62), between "shall" and "review", insert "seek input from affected parties and".

(3) In SECTION 3 of the bill, in added Section 301.304(b), Occupations Code, strike the third sentence of that subsection (page 2, lines 1 through 4), and substitute "Rules adopted under this section must provide that continuing education courses representing an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases qualify as approved continuing education courses for license renewal."

The amendment to **CSSB 1360** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1360 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1360 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 995 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 995** at this time on its second reading:

SB 995, Relating to the sale of souvenir bottles of distilled spirits by the holder of a distiller's and rectifier's permit.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 995 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 995** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 564 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 564** at this time on its second reading:

HB 564, Relating to maintenance of portable fire extinguishers in government-owned vehicles in certain local governmental jurisdictions.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 564 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 564** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate fourth-grade students from Beacon Hill Elementary School and seventh-grade students from Bonham Academy.

The Senate welcomed its guests.

SENATE BILL 1610 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1610** at this time on its second reading:

SB 1610, Relating to seat belt requirements for certain vehicles.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1610 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1610** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1112 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSHB 1112** at this time on its second reading:

CSHB 1112, Relating to the authority and powers of regional mobility authorities.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Rodriguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1112** (Senate Committee Report version) on page 6 line 38 by striking section 13 of the bill and renumbering the subsequent sections appropriately.

The amendment to **CSHB 1112** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1112 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Patrick.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1112 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1112** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1829 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1829** at this time on its second reading:

CSSB 1829, Relating to the application of the public information law to chambers of commerce and nonprofit corporations that provide economic services to a governmental body.

The motion prevailed.

Senator Harris asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 29, Nays 1.

Nays: Harris.

Absent: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1829 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1829** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Harris.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 994 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 994** at this time on its second reading:

HB 994, Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

The motion prevailed.

Senator Huffman asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Huffman.

HOUSE BILL 994 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 994** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Huffman.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1493 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1493** at this time on its second reading:

CSSB 1493, Relating to the directors of a defense base management authority and to a study on the effectiveness of the authority.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1493 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1493** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1611 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1611** at this time on its second reading:

CSSB 1611, Relating to the funding of projects in the boundaries of certain intermunicipal commuter rail districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1611 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1611** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 197 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 197** at this time on its second reading:

CSSB 197, Relating to the compulsory inspection of motor vehicles; providing penalties.

The motion prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 197 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 716 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSHB 716** at this time on its second reading:

CSHB 716, Relating to the taking of certain feral hogs and coyotes using a helicopter.

The motion prevailed.

Senator Lucio asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Lucio.

**COMMITTEE SUBSTITUTE
HOUSE BILL 716 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 716** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Lucio.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Lucio, Rodriguez.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1763 ON SECOND READING**

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **CSSB 1763** at this time on its second reading:

CSSB 1763, Relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

Senator Rodriguez withdrew the motion to suspend the regular order of business.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 887, HB 438, HB 444, HB 571, HB 610, HB 755, HB 841, HB 1322, HB 1404, HB 1527, HB 1806, HB 1832, HB 1917, HB 2559, HB 2680, HB 2785, HCR 116, HCR 119, HCR 132, HCR 139.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a New America Alliance delegation.

The Senate welcomed its guests.

SENATE BILL 1074 ON SECOND READING

Senator Jackson moved to suspend the regular order of business to take up for consideration **SB 1074** at this time on its second reading:

SB 1074, Relating to water districts' authority to set rates and a presumption of validity.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Ellis, Watson.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Davis, Ellis, Watson.

SENATE BILL 1074 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1074** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Ellis, Watson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

(Senator Eltife in Chair)

SENATE BILL 748 WITH HOUSE AMENDMENTS

Senator Carona called **SB 748** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **SB 748** (senate engrossment) in Section 44 of the bill, in added Section 152.308(f), Business Organizations Code (page 35, line 26), by striking "limited".

Committee Amendment No. 2

Amend **SB 748** (senate engrossment) by striking SECTION 33 of the bill, amending Section 22.153(a), Business Organizations Code (page 27, lines 8-14), and renumbering subsequent SECTIONS of the bill accordingly.

The amendments were read.

Senator Carona moved to concur in the House amendments to **SB 748**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1107 WITH HOUSE AMENDMENT

Senator Davis called **SB 1107** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1107** (House Committee Printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, lines 8 and 9), strike "Subsections (b), (c), and (e), Section 51.9192, Education Code, are amended to read as follows" and substitute "Section 51.9192, Education Code, is amended by amending Subsections (b), (c), and (e), and adding Subsection (d-1) to read as follows".

(2) In SECTION 2 of the bill, between amended Subsections (c) and (e), Section 51.9192, Education Code (page 2, between lines 11 and 12), insert the following:

(d-1) An institution of higher education or private or independent institution of higher education shall provide, with the registration materials that the institution provides to a student to whom this section applies before the student's initial enrollment in the institution, written notice of the right of the student or of a parent or guardian of the student to claim an exemption from the vaccination requirement in the manner prescribed by Subsection (d) and of the importance of consulting a physician about the need for immunization to prevent the disease.

The amendment was read.

Senator Davis moved to concur in the House amendment to **SB 1107**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

Senator Whitmire moved to suspend Senate Rule 7.07(b) and Section 5, Article III, of the Texas Constitution to permit the introduction of the following bills and resolution: **SB 1931, SB 1932, SJR 54**.

The motion prevailed.

Senators Birdwell, Huffman, and Patrick asked to be recorded as voting "Nay" on suspension of Senate Rule 7.07(b) and Section 5, Article III, of the Texas Constitution.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 1931 by West

Relating to making an appropriation of money from the economic stabilization fund for the Foundation School Program.

To Committee on Finance.

SB 1932 by Hegar

Relating to the appointment of a master in chancery to oversee, and payment of certain expenses in, an insurance receivership.

To Committee on Business and Commerce.

SJR 54 by West

Proposing a constitutional amendment authorizing an appropriation from the economic stabilization fund for the Foundation School Program.

To Committee on Finance.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 12 to Committee on Transportation and Homeland Security.

HB 174 to Committee on State Affairs.

HB 1818 to Committee on Government Organization.

HB 2203 to Committee on Finance.

HB 2237 to Committee on Transportation and Homeland Security.

HB 2389 to Committee on Transportation and Homeland Security.

HB 2439 to Committee on Government Organization.

HB 2596 to Committee on Transportation and Homeland Security.

HB 2660 to Committee on Intergovernmental Relations.

HB 2759 to Committee on Administration.

HB 2817 to Committee on State Affairs.

HB 2825 to Committee on Finance.

HB 2889 to Committee on Criminal Justice.

HB 3017 to Committee on State Affairs.

HB 3025 to Committee on Higher Education.

HB 3133 to Committee on Intergovernmental Relations.

HB 3727 to Committee on Finance.

HB 3807 to Committee on Criminal Justice.

(Senator Duncan in Chair)

COMMITTEE SUBSTITUTE**SENATE BILL 1265 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1265** at this time on its second reading:

CSSB 1265, Relating to the accreditation of paramedic training programs.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1265 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1265** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1588 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1588** at this time on its second reading:

CSSB 1588, Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1588** (senate committee report) in SECTION 13 of the bill as follows:

- (1) On page 3-52, strike "and".
- (2) On page 3-56, strike "." and substitute "; and".
- (3) On page 3, insert the following between lines 56 and 57:

"(16) the dedication of all fees to be deposited to the credit of the sexual assault program fund as provided by Senate Bill No. 23 or similar legislation."

The amendment to **CSSB 1588** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Ogden, on behalf of Senator Carona, offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1588** (senate committee printing) as follows:

(1) In Section 14 of the bill, immediately following the heading to that section (page 3, line 57), add "(a)".

(2) Between the end of Section 14 and Section 15 of the bill (page 3, between lines 67 and 68), insert:

(b) Section 2 of this Act does not apply to the Internet Crimes Against Children Fund created as a special fund by Senate Bill No. 1843, House Bill No. 3746, or similar legislation of the 82nd Legislature, Regular Session, 2011, or to the revenue dedicated to that fund by that legislation.

The amendment to **CSSB 1588** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1588** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter E, Chapter 404, Government Code, is amended by adding Section 404.074 to read as follows:

Sec. 404.074. NOTICE OF EXCESS REVENUE CREDITED TO CERTAIN ACCOUNTS; SUSPENSION OF FEES. (a) In this section, "fee" means an amount required to be paid in exchange for a service or other benefit or as part of a regulatory system. The term includes an amount charged in exchange for a direct personal benefit, such as an amount charged to engage in a regulated occupation or activity, to enter a state park, museum, or other facility, or for the issuance of specialty license plates. The term does not include a tax imposed under the Tax Code or other law.

(b) This section applies only to an account in the general revenue fund:

(1) the revenue credited to which is dedicated only by statute to a particular purpose or entity; and

(2) a portion of the revenue of which in excess of amounts appropriated by the General Appropriations Act or other law would, through the application of Section 403.095(b) or a successor law providing that certain dedicated revenue is available for general governmental purposes, be available for those purposes and considered available for the purpose of certification under Section 403.121.

(c) On the date amounts credited during a state fiscal biennium to an account to which this section applies equal at least 200 percent of the total amounts appropriated by the General Appropriations Act and other law for that biennium, the comptroller shall:

(1) identify each person who collects or remits revenue credited to that account; and

(2) notify each person identified under Subdivision (1) in writing that:

(A) the credited amounts exceed the appropriations for the biennium;

and

(B) the imposition of the portion of the fee from which the revenue credited to the account is derived that the person would otherwise collect or remit to the comptroller is suspended during the period beginning on a date stated in the notice.

(d) The date on which the suspension period described by Subsection (c)(2)(B) begins must be the first day of a calendar month and may not be later than the 45th day after the date the notice is sent. The period ends on a date determined by the comptroller after considering the account balance necessary to cover appropriations from the account to which the suspended fee would be deposited.

(e) Notwithstanding any other law, including a law under which a fee is otherwise imposed, the imposition of the portion of a fee that is the subject of a notice required by Subsection (c) is suspended for the period specified in the notice. A person who receives the notice may not impose or collect the portion of the fee that is the subject of the notice during the specified period but shall remit to the comptroller in accordance with applicable law:

(1) all fees collected before the beginning of the period that have not been remitted; and

(2) delinquent fees that were imposed and became due before the beginning of the period but are collected during the period.

(f) The suspension of the imposition of a fee under Subsection (e) does not affect the availability of or access to the benefit or service, or operation of the regulatory system, with respect to which the fee would be imposed if not suspended.

(g) The comptroller shall maintain in a conspicuous location on the comptroller's Internet website a current list of fees the imposition of which is suspended under this section. The list must:

(1) contain information that clearly identifies each suspended fee; and

(2) specify the suspension period for each of those fees.

(h) The comptroller by rule shall establish procedures by which a person who pays a fee that was imposed on the person in violation of Subsection (e) may request a refund of the amount paid. The comptroller shall determine whether the fee was imposed in violation of Subsection (e).

(i) If the comptroller determines through procedures established under Subsection (h) that a fee was imposed on the person requesting a refund in violation of Subsection (e), the comptroller shall refund the amount of the fee paid. A person aggrieved by a determination of the comptroller under those procedures may appeal that determination. The appeal is a contested case under Chapter 2001.

(b) Notwithstanding any other provision of this Act, this section takes effect September 1, 2013.

The amendment to **CSSB 1588** was read.

Senator Watson withdrew Floor Amendment No. 3.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1588** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . AMENDMENT OF SECTION 403.095, GOVERNMENT CODE, EFFECTIVE SEPTEMBER 1, 2013. Effective September 1, 2013, Subsections (b), (d), and (e), Section 403.095, Government Code, are amended to read as follows:

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that, on August 31, 2015 [~~2014~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 83rd [~~81st~~] Legislature, to a maximum amount of 200 percent of the amount of those appropriations, are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 83rd [~~81st~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the lesser of the amount equal to 200 percent of the appropriations made by that legislature from the account and the amount by which estimated revenues to the account and unobligated balances of the account exceed appropriations from the account. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does not apply to revenues or balances in:

- (1) funds outside the treasury;
- (2) trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;
- (3) funds created by the constitution or a court; or
- (4) funds for which separate accounting is required by federal law.

(e) This section expires on September 1, 2015 [~~2014~~].

The amendment to **CSSB 1588** was read.

On motion of Senator Ogden, Floor Amendment No. 4 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1588 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1588 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1588** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate eighth-grade students from Robert Vale Middle School, serving today as Honorary Senate Pages: Christian S. Abinsay, Melanie Chavez, Stephanie Cruz, Lia Victoria Gomez, Sydney Harris, Brian Christopher Lewis, Gideon Lyda, Matt Reitman, Justin McManus, Kimberly Mar, Kevin Noah Shackelford, Joshua Torres, Patrick Weathersby, Jr., Derek White, and Samantha Wyatt.

The Senate welcomed its guests.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills today:

HB 265, HB 1495, HB 1504, HB 1774, HB 2605.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **SB 1432** today.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:06 p.m. agreed to adjourn, in memory of James E. Grayson, Shirley Bird Perry, and Victor Paul Zepeda, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 187

On motion of Senator Davis, Senator Patrick will be shown as Co-author of **SB 187**.

CO-AUTHOR OF SENATE BILL 975

On motion of Senator Hinojosa, Senator Davis will be shown as Co-author of **SB 975**.

CO-AUTHOR OF SENATE BILL 1843

On motion of Senator Carona, Senator Harris will be shown as Co-author of **SB 1843**.

CO-SPONSOR OF HOUSE BILL 12

On motion of Senator Williams, Senator Patrick will be shown as Co-sponsor of **HB 12**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 966 by Ogden, In memory of Terry Omar Smith.

Congratulatory Resolutions

SR 964 by Shapiro, Recognizing Henry's Homemade Ice Cream in Plano on the occasion of its 25th anniversary.

SR 968 by Lucio, Recognizing Rey Farias for his service to the Los Fresnos Consolidated Independent School District.

SR 969 by Zaffirini, Recognizing Destiny Bailey for being selected as Laredo's 2011 Youth of the Year.

HCR 157 (Eltife), Congratulating Bill and Marlena Terry of White Oak on the occasion of their 50th wedding anniversary.

RECESS

On motion of Senator Whitmire, the Senate at 2:07 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 11, 2011

AGRICULTURE AND RURAL AFFAIRS — **CSHB 92, HB 413, HB 1449, HB 1450, HB 1840, HB 2108**

FINANCE — **HB 205, HB 930, CSHB 1179, HB 2403**

ECONOMIC DEVELOPMENT — **CSSB 1574, CSHB 2457**

BUSINESS AND COMMERCE — **HB 2699**

EDUCATION — **HB 1682, HB 1286, HB 34**

HEALTH AND HUMAN SERVICES — **HB 5, HB 253, HB 824, HB 1965, HB 2170, HB 2229, HB 2245, HB 2258, HB 3065, HB 3234**

FINANCE — **CSSB 1652, CSHB 2476**

TRANSPORTATION AND HOMELAND SECURITY — **SB 1925**

NATURAL RESOURCES — **CSHB 240, HB 451, HB 960, HB 1906, HB 2289, HB 2418, HB 2859, HB 3847**

BUSINESS AND COMMERCE — **HB 1123 (Amended)**

BILLS ENGROSSED

May 10, 2011

SB 5, SB 40, SB 146, SB 200, SB 371, SB 467, SB 471, SB 649, SB 669, SB 765, SB 1073, SB 1114, SB 1285, SB 1330, SB 1449, SB 1671, SB 1735, SB 1857, SB 1880, SB 1881, SB 1906, SB 1907, SB 1922

BILL AND RESOLUTIONS ENROLLED

May 10, 2011

SB 887, SR 925, SR 945, SR 946, SR 947, SR 948, SR 949, SR 950, SR 951, SR 952, SR 953, SR 954, SR 955, SR 956, SR 957, SR 958, SR 959, SR 960, SR 961, SR 962, SR 963

SIGNED BY GOVERNOR

May 10, 2011

SB 416, SB 729

SENT TO GOVERNOR

May 11, 2011

SB 887

In Memory

of

James E. Grayson**Senate Resolution 965**

WHEREAS, The Senate of the State of Texas joins the citizens of Houston and Montgomery in mourning the loss of James E. Grayson, who died December 3, 2010, at the age of 86; and

WHEREAS, James Grayson served in the United States Navy and was a veteran of World War II; he had the honorable distinction of being the longest-tenured employee of the Texas Department of Transportation, where he worked for 56 years and seven months; and

WHEREAS, He began his career in 1946 in the department's Greenwood office and worked for many years in Design and Programs; he retired in August of 2002 to take care of his wife, Tedd, who had Alzheimer's disease; and

WHEREAS, James Grayson was a charter member of the Texas Public Employees Association; to honor him for his many years of service, the association's Houston Chapter created an award in his name, which is presented yearly to a member who shows outstanding efforts within the organization; and

WHEREAS, An exemplary gentleman, Mr. Grayson was respected and beloved by many; after his retirement, he maintained his ties with his former co-workers and visited with them at the retirees' luncheons; in earlier days, he was a marathon runner, and in his later years, he enjoyed walks in Memorial Park; and

WHEREAS, A man of integrity, strength, and generosity, he gave unselfishly to others, and his wisdom, warmth, and valued counsel will not be forgotten by those who knew him; and

WHEREAS, James Grayson was a devoted husband and father, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of James E. Grayson; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of James Grayson.

WILLIAMS

In Memory
of
Shirley Bird Perry

House Concurrent Resolution 155

WHEREAS, Shirley Bird Perry, whose association with The University of Texas at Austin spanned six decades and who made an incalculable contribution both to the university and to the UT System, passed away on May 4, 2011, at the age of 74; and

WHEREAS, A fifth-generation Texan, Mrs. Perry was born to Homer and Laura Stevenson Bird near Stockdale in 1936; she arrived at UT as a freshman in 1954, and though the campus was vastly larger than the small-town high school she had attended, she thrived on the Forty Acres; while an undergraduate, she served on the Texas Union Board of Directors and was tapped for membership in the Orange Jackets and Mortar Board; her senior year, she was named Most Outstanding Woman Student by the Dads' Association; and

WHEREAS, After graduating with a degree in education in 1958, Mrs. Perry worked as program director for the Texas Union before moving to California, where she found a teaching position; a year in the classroom with seventh-graders quickly persuaded her that her future lay elsewhere, and she returned as program director of the Texas Union in 1960; over the next decade, she focused on providing a diverse array of programs for UT students and organized appearances by such figures as Martin Luther King, Jr., Robert Kennedy, and Marianne Moore, while also earning a master's degree in educational psychology from UT in 1967; she became director of the union in 1972; and

WHEREAS, During her time there, Mrs. Perry played an active role in the Association of College Unions—International, becoming the first woman to be elected to the group's executive committee and the first woman to serve as ACUI president; in 1976 she left the university for a brief period to serve as coordinator for ACUI educational programs and services; and

WHEREAS, Shirley Bird Perry returned to The University of Texas in 1979, when Dr. Peter Flawn named her assistant to the president and coordinator of the university's centennial observance; her new responsibilities included overseeing the activities of the Centennial Commission, a series of commemorative events, and a capital campaign that substantially augmented faculty endowments and the funds for lectureships and scholarships; in 1981 she was promoted to vice president, and in 1983, the culminating year of the centennial celebration, she became vice president for development and community relations; and

WHEREAS, Mrs. Perry continued to serve in that capacity under Dr. William Cunningham, who followed Dr. Flawn as university president in 1985; when Dr. Cunningham stepped down in 1992 to become chancellor of the UT System, he was loathe to lose such a priceless asset and persuaded Mrs. Perry to accompany him, naming her vice chancellor for development and external relations; her duties with the UT System included directing fund-raising operations, public affairs programs, the management of estates and trusts, and event planning, among other activities; and

WHEREAS, In 2004, Mrs. Perry resigned her office as vice chancellor to rejoin the administration at the university, accepting a position as senior vice president; in addition to overseeing the fund-raising efforts of the UT president and coordinating his visits to communities around the state, she worked with the Dolph Briscoe Center for American History to more fully document the history of the university she loved so well; and

WHEREAS, Honored repeatedly throughout her career, Shirley Bird Perry received a Top Hand Award and a Distinguished Alumnus Award from the Texas Exes in 1984 and 2005, respectively, an Award of Distinction from the UT Parents' Association in 1992, and a Presidential Citation, the highest recognition conferred by The University of Texas, for 2010; in addition, the Texas Union has created the Shirley Bird Perry Leadership Award to salute outstanding students, and the UT presidents with whom she served have established the Shirley Bird Perry Endowment Fund for University History; Mrs. Perry also received accolades for her work from the Association of College Unions—International, the Council for the Advancement and Support of Education, and the National Association of State Universities and Land Grant Colleges; and

WHEREAS, Shirley Bird was married to Sam R. Perry, an equally fervent UT alum and an Austin attorney, in 1963, and they shared a devoted union until her passing; and

WHEREAS, To her consummate skills as an administrator, Mrs. Perry added unfailing kindness, unerring instincts, inexhaustible energy, and a matchless knowledge of the university, its history, and its inner workings; over the years, her endeavors helped to build the foundation on which the reputation of the university rests, and her wise counsel informed myriad decisions by university and system leaders; she was, in the words of one, "the caretaker for UT's soul," and she will be deeply and sorely missed; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay tribute to the life of Shirley Bird Perry and extend sincere sympathy to the members of her family: to her husband, Sam R. Perry; to her sisters and brother-in-law, Mary Jane and Errol Jonsson, Virginia Bird Davis, and Patsy Bird Weber; to her nephew, Charles Cotter; to her great-nephews, Jake and Trevor Cotter; to her cousin, Betty Bird; to her sisters-in-law, Polly

Perry-Vincent and her sons, Blair and Scott Franklin, and their families, and Jenny Kay Kubiak and her husband, L. B. Kubiak, and their children, Lindsay and Logan; and to her other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Shirley Bird Perry.

WATSON

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Continued)

(Thursday, May 12, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

(Senator Rodriguez in Chair)

HB 11 (Eltife)

Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

HB 734 (Nelson)

Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

(viva voce vote) (31-0) (31-0)

HB 965 (Hegar)

Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)**HB 1064** (Eltife)

Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

(viva voce vote) (31-0) (31-0)

HB 1300 (Eltife)

Relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

(viva voce vote) (31-0) (31-0)

HB 1889 (Deuell)

Relating to the creation of municipal courts of record in the city of Mesquite.

(viva voce vote) (31-0) (31-0)

HB 1901 (Birdwell)

Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.

(viva voce vote) (31-0) (31-0)

HB 1952 (Eltife)

Relating to alcoholic beverage seller-servers and to seller training programs.

(viva voce vote) (31-0) (31-0)

HB 1953 (Eltife)

Relating to notice by sign of an alcoholic beverage permit or license application.

(viva voce vote) (31-0) (31-0)

HB 2131 (Eltife)

Relating to the issuance of a pass for expedited access to the State Capitol.

(viva voce vote) (31-0) (31-0)

HB 2503 (Eltife)

Relating to insurance agent licenses issued to certain foreign corporations and partnerships.

(viva voce vote) (31-0) (31-0)

HB 2831 (Eltife)

Relating to maximizing federal funding of extended unemployment benefits.

(viva voce vote) (31-0) (31-0)

SB 1643 (Uresti)

Relating to mandatory dismissal deadlines and extended jurisdiction in suits affecting the parent-child relationship to which the Department of Family and Protective Services is a party.

(viva voce vote) (31-0) (31-0)

SB 1926 (Lucio)

Relating to the Colonel H. William "Bill" Card, Jr., Outpatient Clinic.

(viva voce vote) (31-0) (31-0)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:06 a.m. adjourned, in memory of James E. Grayson, Shirley Bird Perry, and Victor Paul Zepeda, until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-NINTH DAY

(Thursday, May 12, 2011)

The Senate met at 11:08 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

The Reverend Larry Coulter, Shepherd of the Hills Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, in whom we live and breathe and have our very being, we give You thanks for our country and our state. Cause us to never take the freedoms that we enjoy here for granted, but instead give us the single purpose to use those freedoms with attendant responsibility so that all people can experience an equality of justice and opportunity. We ask that You would look with favor upon all who are gathered today in these chambers to work to better the lives of the people of the State of Texas. Grant that they may set aside thoughts of self-aggrandizement in order to seek the common good. Give them wisdom and discernment in their deliberations, that reason may overcome rancor and that the outcomes of their labor may raise the opportunities, the hopes, and dreams of young and old alike. Give them courage to make the right choices and not simply the expedient ones, recognizing that they are a part of a long history of governance whose combined implications set the course of state that we all love. We ask that You would extend a special measure of Your grace to the families of the men and women who serve here. We are grateful for the sacrifices they make so that all those who labor here may work the long hours necessary for the Senate and the House to finish well. Finally, Lord, we ask that You would unite all our citizens in a common commitment to the good of all, that justice and mercy might be the true order of the day, and that the next season in our life together may be the best season for our great state. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 12, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 13 Kolkhorst
Relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.

HB 272 Smithee
Relating to the operation and name of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

HB 590 Thompson
Relating to amended sales tax reports and the reallocation of sales tax revenue.

HB 1128 Menendez
Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

HB 1228 Dutton
Relating to foreclosure of a property owners' association assessment lien.

HB 1355 Orr
Relating to title insurance coverage for minerals and surface damage resulting from mineral extraction and development.

HB 1359 Veasey
Relating to authorization for a caregiver who is a relative to enroll a child in school.

HB 1766 Crownover
Relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

HB 1784 Farias
Relating to requiring an interagency memorandum of understanding regarding the Public Assistance Reporting Information System and to the use of data from that system.

- HB 1797** Naishtat
Relating to a person's eligibility to obtain a license in social work.
- HB 1951** Taylor, Larry
Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.
- HB 2096** Thompson
Relating to the filing of writs of habeas corpus in mental health cases.
- HB 2102** Hernandez Luna
Relating to the requirement that certain health benefit plans provide coverage for supplemental breast cancer screening.
- HB 2103** Jackson, Jim
Relating to the consideration of a letter of credit issued by a federal home loan bank as an eligible security for collateral to secure public funds.
- HB 2190** Elkins
Relating to the deadlines by which provisional ballots must be processed and the state canvass must be conducted for certain elections.
- HB 2247** King, Phil
Relating to the eligibility of the adjutant general's department to receive Foundation School Program funding for students enrolled in the Texas ChalleNGe Academy.
- HB 2316** Coleman
Relating to county powers, duties, and services, including the powers and duties of certain districts, and the authorization of certain health care programs and studies.
- HB 2359** Hopson
Relating to direct campaign expenditures.
- HB 2363** Flynn
Relating to the creation of the Bearpen Creek Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 2425** Thompson
Relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.
- HB 2492** Naishtat
Relating to the family allowance, treatment of exempt property, and an allowance in lieu of exempt property in the administration of a decedent's estate.
- HB 2510** Lavender
Relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.
- HB 2595** Isaac
Relating to the electronic submission and recording of documents associated with voting by mail.

HB 2702 Solomons

Relating to the application of statutes that classify political subdivisions according to population.

HB 2707 Burnam

Relating to the holding of an interest in certain alcoholic beverage licenses, permits, or premises by certain persons whose alcoholic beverage license or permit has been revoked.

HB 2746 Martinez Fischer

Relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as qualified open-space land in the event of a change of use of the land if the land is transferred to a charitable organization for purposes of building housing for sale without profit to a low-income individual or family.

HB 2960 Darby

Relating to vehicles used for the purpose of participating in equine activities or attending livestock shows.

HB 2982 Orr

Relating to the composition of the Finance Commission of Texas.

HB 2994 Miles

Relating to the creation, operation, and funding of the urban farm microenterprise support program.

HB 2996 Miles

Relating to the creation of the Texas Urban Agricultural Innovation Authority.

HB 2997 Miles

Relating to the creation and funding of the urban farming pilot program and the creation of the Select Committee on Urban Farming.

HB 3001 Thompson

Relating to the monitoring of and provision of certain information regarding certain high-risk sex offenders; providing a penalty.

HB 3036 Alvarado

Relating to the municipal sales and use tax for street maintenance.

HB 3079 Darby

Relating to dealer agreements regarding the purchase and sale of certain equipment or machinery used for agricultural, construction, industrial, mining, outdoor power, forestry, and landscaping purposes.

HB 3111 Craddick

Relating to fees to finance capital improvements in certain municipalities.

HB 3125 Thompson

Relating to the offenses of unauthorized duplication, unauthorized recording, unauthorized operation of recording device, and improper labeling of recordings.

HB 3152 Torres

Relating to recovery of the value of fraudulently obtained health care services provided or paid by the Nueces County Hospital District.

- HB 3216** Otto
Relating to electronic communication between property owners and chief appraisers, appraisal districts, appraisal review boards, or any combination of those persons.
- HB 3283** Guillen
Relating to the authority of certain development corporations to undertake projects with respect to community libraries.
- HB 3369** King, Susan
Relating to the registration of certain physical therapy facilities by the Texas Board of Physical Therapy Examiners.
- HB 3387** Rodriguez, Eddie
Relating to the regulation of food prepared, stored, distributed, or sold at farmers' markets.
- HB 3399** Legler
Relating to the requirements for grant programs funded through the Texas emissions reduction plan.
- HB 3475** Gallego
Relating to the recusal and disqualification of municipal judges.
- HB 3595** Chisum
Relating to energy efficiency goals and energy efficiency programs.
- HB 3647** Turner
Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.
- HB 3723** Guillen
Relating to optional fees on the registration of a vehicle imposed by a county.
- HB 3730** Martinez, "Mando"
Relating to certain privatization of maintenance contracts awarded by the Texas Department of Transportation.
- HB 3797** Gallego
Relating to the validation of the creation of, and certain acts related to, a venue project, and the dissolution of certain venue districts.
- HCR 135** Legler
Honoring Bill Bailey, retiring constable for Precinct 8 of Harris County.
- HCR 142** Davis, John
Congratulating Clear Lake High School junior Cameron Blizzard on overcoming cancer.
- HCR 143** Davis, Sarah
Honoring Debra L. Friedkin for her support of the ongoing anthropological research at the Debra L. Friedkin site by Texas A&M University's Center for the Study of the First Americans.

HCR 154

Craddick

Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

HJR 109

Orr

Proposing a constitutional amendment to clarify references to the permanent school fund and to allow the General Land Office or other entity to distribute revenue derived from permanent school fund land or other properties to the available school fund.

SB 551

Williams

Sponsor: Otto

Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

SB 1125

Carona

Sponsor: Anchia

Relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.
(Committee Substitute/Amended)

SB 1505

Uresti

Sponsor: Lewis

Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

SCR 45

Fraser

Recognizing Otto P. Scharth on the occasion of his 88th birthday.

SCR 46

Ellis

Commemorating the 70th anniversary of The University of Texas MD Anderson Cancer Center.

SCR 52

Watson

Recognizing Donn and Arlene Adelman for their efforts on behalf of Crime Stoppers.

SJR 28

Rodriguez

Sponsor: Marquez

Proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a Texas Bank and Trust of Longview delegation.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 909

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Joemarie Ortiz for his heroic actions in rescuing four people from a burning vehicle; and

WHEREAS, A specialist in the Texas Army National Guard, Joemarie Ortiz was present at the scene when a vehicle passed through an intersection and struck a utility pole head-on, leaving all four passengers of the vehicle dazed and trapped; and

WHEREAS, Disregarding his own safety, Specialist Ortiz immediately crossed the street and led onlookers in a rescue effort, breaking out windows, cutting seat belts, and removing the driver and all the passengers only moments before the entire vehicle was engulfed in flames; and

WHEREAS, In the performance of this selfless act, Specialist Ortiz has brought honor to himself, his family, and the Texas Army National Guard; his compassion and selflessness are truly an inspiration to us all, and it is fitting that he receive recognition for his extraordinary valor; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Joemarie Ortiz on his bravery and quick thinking and extend to him best wishes for success in all his endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

SR 909 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate Specialist Joemarie Ortiz, Command Sergeant Major Leveda McDaniel, Elizabeth Doremus, Christopher Doremus, Clayton Julian, and Nicole Julian.

The Senate welcomed its guests.

(President Pro Tempore Ogden in Chair)

PHYSICIAN OF THE DAY

Senator Lucio, on behalf of Senator Davis, was recognized and presented Dr. Richard Young of Fort Worth as the Physician of the Day.

The Senate welcomed Dr. Young and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 967

Senator Lucio offered the following resolution:

SR 967, Recognizing Rolando Castañeda on his retirement from the Texas Department of Public Safety.

LUCIO
HINOJOSA

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio, joined by Senator Hinojosa, was recognized and introduced to the Senate Rolando Castañeda, Ester Castañeda, Monica Castañeda, Alberto Garcia, and Ismael Garza.

The Senate welcomed its guests.

SENATE RESOLUTION 892

Senator Davis offered the following resolution:

SR 892, Commending the Fort Worth Metropolitan Black Chamber of Commerce and its PATHS Forward leadership development program.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate members of the Fort Worth Metropolitan Black Chamber of Commerce, accompanied by representatives of its PATHS Forward leadership development program.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 154

The President Pro Tempore laid before the Senate the following resolution:

HCR 154, Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

SELIGER

The resolution was read.

On motion of Senator Seliger and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate Stephen Hartmann, former Executive Director of University Lands, and his wife, Georgia, joined by John Hartmann and Evan Hartmann.

The Senate welcomed its guests.

SENATE RESOLUTIONS

Senator Watson offered the following resolutions:

SR 766, Congratulating Ronnie D. Shores for receiving the 2011 Student of the Year Award from Communities In Schools of Texas.

The resolution was again read.

SR 767, Congratulating Jenny Grow for receiving the 2011 Teacher of the Year Award from Communities In Schools of Texas.

The resolution was again read.

SR 768, Congratulating Reyna Rivera for receiving the Parent of the Year Award from Communities In Schools of Texas.

The resolution was again read.

SR 769, Congratulating Suki Steinhauser for receiving the Executive Director of the Year Award from Communities In Schools of Texas.

The resolution was again read.

SR 766, **SR 767**, **SR 768**, and **SR 769** were previously adopted on Wednesday, April 13, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Jenny Grow and Suki Steinhauser.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:49 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE HOUSE BILL 563 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 563** at this time on its second reading:

CSHB 563, Relating to the purposes and designation of a transportation reinvestment zone.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 563** (senate committee report) in SECTION 5 of the bill, after added Section 222.110(f), Transportation Code (page 5, between lines 63 and 64), by adding the following:

(g) Not later than the 30th day before the date the governing body of a municipality or county proposes to designate a portion or amount of sales tax increment under Subsection (b), the governing body shall hold a public hearing on the designation of the sales tax increment. At the hearing an interested person may speak for or against the designation of the sales tax increment. Not later than the seventh day before the date of the hearing, notice of the hearing must be published in a newspaper having general circulation in the county or municipality, as appropriate.

(h) The hearing required under Subsection (g) may be held in conjunction with a hearing held under Section 222.106(e) or 222.107(e) if the ordinance or order designating an area as a transportation reinvestment zone under Section 222.106 or 222.107 also designates a sales tax increment under Subsection (b).

The amendment to **CSHB 563** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 563 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 563 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 563** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1164 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1164** at this time on its second reading:

CSSB 1164, Relating to optional annuity increases and annual supplemental payments for certain retirees and beneficiaries of the Texas Municipal Retirement System.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1164 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1164** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1572 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1572** at this time on its second reading:

CSSB 1572, Relating to the operations and monitoring of fusion centers in this state.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1572 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1572** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 270 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 270** at this time on its second reading:

CSSB 270, Relating to newborn hearing screenings.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 270** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 47.001(2), Health and Safety Code, is amended to read as follows:

(2) "Birthing facility" means:

(A) a hospital licensed under Chapter 241 that offers obstetrical services [~~and is located in a county with a population of more than 50,000~~]; [or]

(B) a birthing center licensed under Chapter 244;

(C) a children's hospital; or

(D) a facility, maintained or operated by this state or an agency of this state, that provides obstetrical services [~~that is located in a county with a population of more than 50,000 and that has 100 or more births per year~~].

SECTION 2. Section 47.003, Health and Safety Code, is amended by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1) and (f) to read as follows:

(a) A birthing facility, through a program certified by the department under Section 47.004, shall perform, either directly or through a transfer agreement, ~~offer the parents of a newborn~~ a hearing screening ~~for the newborn~~ for the identification of hearing loss on each newborn or infant born at the facility before the newborn or infant is discharged from the facility unless:

(1) the parent declines the screening;

(2) the newborn or infant is transferred to another facility before the screening is performed; or

(3) the screening has previously been completed.

(a-1) The birthing facility ~~screening~~ shall inform the parents ~~be offered~~ during ~~the birth~~ admission that:

(1) the facility is required by law to screen a newborn or infant for hearing loss; and

(2) the parents may decline the screening~~, and the parents shall be informed that information may be provided to the department upon their written consent~~.

(c) Subject to Section 47.008, the ~~The~~ department shall ~~may~~ maintain data and information on each newborn or infant who receives a hearing screening under Subsection (a) ~~services under a program~~.

(d) The department shall ensure that intervention is available to families for a newborn or infant identified as having hearing loss and that the intervention is managed by state programs operating under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(e) The department shall ensure that the intervention described by Subsection (d) is available for a newborn or infant identified as having hearing loss not later than the sixth month after the newborn's or infant's birth and through the time the child is an infant unless the infant has been hospitalized since birth.

(f) If a newborn or an infant receives medical intervention services, including a hearing aid or cochlear implant, the intervention specialist shall report the results of the intervention to the department.

SECTION 3. Chapter 47, Health and Safety Code, is amended by adding Section 47.0031 to read as follows:

Sec. 47.0031. FOLLOW-UP SCREENING. (a) The program that performed the hearing screening under Section 47.003 shall provide the newborn's or infant's parents with the screening results. A birthing facility, through the program, shall offer a follow-up hearing screening to the parents of a newborn or infant who does not pass the screening, or refer the parents to another program for the follow-up hearing screening. The follow-up hearing screening should be performed not later than the 30th day after the date the newborn or infant is discharged from the facility.

(b) If a newborn or an infant does not pass the screening in a follow-up hearing screening, the program that performed the follow-up hearing screening on the newborn or infant shall:

(1) provide the newborn's or infant's parents with the screening results;

(2) assist in scheduling a diagnostic audiological evaluation for the newborn or infant, consistent with the most current guidelines in the Joint Committee on Infant Hearing Position Statement, or refer the newborn or infant to a licensed audiologist

who provides diagnostic audiological evaluations for newborns or infants that are consistent with the most current guidelines in the Joint Committee on Infant Hearing Position Statement; and

(3) refer the newborn or infant to early childhood intervention services.

SECTION 4. Sections 47.004(b) and (d), Health and Safety Code, are amended to read as follows:

(b) In order to be certified, the program must:

(1) provide hearing screening using equipment recommended by the department;

(2) use appropriate staff to provide the screening;

(3) maintain and report data electronically as required by the department;

(4) distribute family, health care provider, and physician educational materials standardized by the department; ~~and~~

(5) provide information, as recommended by the department, to the parents on follow-up services for newborns and infants who do not pass the [with abnormal] screening; and

(6) be supervised by:

(A) a physician;

(B) an audiologist;

(C) a registered nurse; or

(D) a physician assistant [results].

(d) The department may renew the certification of a program on a periodic basis as established by board rule in order to ensure quality services to newborns, infants, and families.

SECTION 5. Section 47.005, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) A birthing facility that operates a program shall distribute to the parents of each newborn or infant who is screened educational materials that are standardized by the department regarding screening results and follow-up care.

(b) A birthing facility that operates a program shall report screening results to:

(1) the parents;

(2) [s] the newborn's or infant's attending physician, primary care physician, or other applicable health care provider; [s] and

(3) the department.

(d) The department may coordinate the diagnostic audiological evaluation required under Section 47.0031(b)(2). A diagnostic audiological evaluation must be completed on the newborn or infant:

(1) not later than the third month after the newborn's or infant's birth unless the newborn or infant has been hospitalized since birth; or

(2) upon referral by the newborn's or infant's primary care physician or other applicable health care provider.

(e) An audiologist who performs a diagnostic audiological evaluation under this chapter shall report the results of the evaluation to:

(1) the parents;

(2) the newborn's or infant's primary care physician or other applicable health care provider; and

(3) the department under Section 47.007(b).

SECTION 6. Section 47.007, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (d), (e), (f), (g), and (h) to read as follows:

(b) Subject to Section 47.008, a [A] qualified hearing screening provider, hospital, health care provider, physician, audiologist, or intervention specialist shall [may] access the information management, reporting, and tracking system to provide information[, where available,] to the department and may obtain information from the department[, including information] relating to:

(1) the results of each hearing screening performed under Section 47.003(a) or 47.0031(a);

(2) the results of each diagnostic audiological evaluation required under Section 47.0031(b)(2);

(3) [(1)] infants who receive follow-up care;

(4) [(2)] infants identified with hearing loss;

(5) [(3)] infants who are referred for intervention services; and

(6) [(4)] case level information necessary to report required statistics to:

(A) the Maternal and Child Health Bureau on an annual basis; and

(B) the federal Centers for Disease Control and Prevention.

(d) A birthing facility described by Subsection (a) shall report the resulting information in the format and within the time frame specified by the department.

(e) A qualified hearing screening provider, audiologist, intervention specialist, educator, or other person who receives a referral from a program under this chapter shall:

(1) provide the services needed by the newborn or infant or refer the newborn or infant to a person who provides the services needed by the newborn or infant; and

(2) provide, with the consent of the newborn's or infant's parent, the following information to the department or the department's designee:

(A) results of follow-up care;

(B) results of audiologic testing of an infant identified with hearing

loss; and

(C) reports on the initiation of intervention services.

(f) A qualified hearing screening provider, audiologist, intervention specialist, educator, or other person who provides services to an infant who is diagnosed with hearing loss shall provide, with the consent of the infant's parent, the following information to the department or the department's designee:

(1) results of follow-up care;

(2) results of audiologic testing; and

(3) reports on the initiation of intervention services.

(g) A hospital that provides services under this chapter shall use the information management, reporting, and tracking system described by this section, access to which has been provided to the hospital by the department, to report, with the consent of the infant's parent, the following information to the department or the department's designee:

(1) results of all follow-up services for an infant who does not pass the screening described by Section 47.003(a) if the hospital provides the follow-up services; or

(2) the name of the provider or facility to which the hospital refers an infant who does not pass the screening described by Section 47.003(a) for follow-up services.

(h) Subject to Section 47.008, a qualified hearing screening provider, hospital, health care provider, physician, audiologist, or intervention specialist may obtain information from the department relating to:

(1) the results of each hearing screening performed under Section 47.003(a) or 47.0031(a);

(2) the results of each diagnostic audiological evaluation required under Section 47.0031(b)(2);

(3) infants who receive follow-up care;

(4) infants identified with hearing loss; and

(5) infants who are referred for intervention services.

SECTION 7. Chapter 47, Health and Safety Code, is amended by adding Sections 47.010 and 47.011 to read as follows:

Sec. 47.010. RULEMAKING. (a) The executive commissioner of the Health and Human Services Commission may adopt rules for the department to implement this chapter.

(b) If the executive commissioner adopts rules, the executive commissioner shall consider the most current guidelines established by the Joint Committee on Infant Hearing.

Sec. 47.011. DUTIES OF MIDWIFE. (a) In this section, "midwife" has the meaning assigned by Section 203.002, Occupations Code, and includes a nurse midwife described by Section 301.152, Occupations Code.

(b) A midwife who attends the birth of a newborn:

(1) is not required to offer the parents of the newborn a hearing screening for the newborn for the identification of hearing loss; and

(2) shall refer the parents of the newborn to a birthing facility or a provider that participates in the program and make a record of the referral.

SECTION 8. Section 47.002, Health and Safety Code, is repealed.

SECTION 9. (a) Not later than January 1, 2012, the executive commissioner of the Health and Human Services Commission shall prescribe a form to document a parent's decision to decline screening under Section 47.003(a)(1), Health and Safety Code, as added by this Act, in consultation with persons and organizations interested in newborn hearing screening.

(b) The Department of State Health Services may post the form prescribed under Subsection (a) of this section on the department's Internet website.

(c) A person or facility is not required to comply with the changes in law made by this Act to Chapter 47, Health and Safety Code, until January 1, 2012.

SECTION 10. This Act takes effect September 1, 2011.

The amendment to **CSSB 270** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 270 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 270 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 270** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1787 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1787** at this time on its second reading:

SB 1787, Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1787 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1787** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1441 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1441** at this time on its second reading:

SB 1441, Relating to the correction of an ad valorem tax appraisal roll.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1441 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1441** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1843 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1843** at this time on its second reading:

CSSB 1843, Relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1843 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1843** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 12, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 2194 Taylor, Larry
Relating to the conduct and administration of elections and of state conventions of political parties.

SB 279 Davis Sponsor: Laubenberg
Relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

SB 602 Rodriguez Sponsor: Marquez
Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

(Amended)

SB 647 Hegar Sponsor: Taylor, Larry
Relating to the continuation and operation of the office of public insurance counsel.

(Amended)

SB 1087 Carona Sponsor: Hilderbran
Relating to state-issued certificates of franchise authority to provide cable service and video service.

(Committee Substitute)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, the remarks by Senators Huffman and Watson regarding **CSHB 2694** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you, thank you, Senator Huffman.

Senator Huffman: Yes, Sir.

Senator Watson: I'm very concerned about a few amendments that were added to this bill over in the House. They've already been somewhat, but they may become even more important points in negotiation between the House and the Senate when it gets to conference committee.

Senator Huffman: Yes.

Senator Watson: You and I have already discussed a number of these provisions, and I want to know, I want to make sure we're all clear on what your intent is with regard to keeping some of the more objectionable amendments off the bill. First, there was an amendment in the House, it was Floor Amendment No. 40 that—

Senator Huffman: Yes.

Senator Watson: —that amendment would shift, Members, you need to hear what this does, what it would do is, it would shift the burden of proof away from the applicant for a permit in a contested case hearing. And it's my understanding that you agree that this amendment is an amendment that should not be on the Sunset Bill. I believe that that amendment isn't in the public interest and harms the rights of parties that are affected by a permit application, but that you agree that it would, you would

not want to see that as part of the Sunset Bill, and would be in a position to work to not allow that amendment to be on that bill and, frankly, wouldn't be supportive of the TCEQ Sunset Bill if it were part of it.

Senator Huffman: That's absolutely true, Senator Watson. I agree with you that it was an inappropriate shifting of burdens. As you know, the EPA had also written a letter expressing concerns to Sunset about that. Of course, it was added on the House. And I would point out it's significant that when I presented this bill to Natural Resources, I stripped the House amendment, so I stripped all of them.

Senator Watson: I understand, but as we progress through this process, I want to make sure that the Members hear what the intent is, and what you just said was, that you thought that amendment was inappropriate, and you wouldn't be supportive of it being on the TCEQ Sunset Bill when it comes back, if that's part of what comes out of conference committee.

Senator Huffman: Absolutely, you're correct, Senator Watson.

Senator Watson: And I want to put a fine point on something else that you just said, when you mentioned that EPA, and I do know the Environmental Protection Agency has actually written a letter indicating that this change, this floor amendment that was made, has the potential to cause significant concerns with the federal authorization for the state's permitting programs, and that's one of the reasons you wouldn't be in favor of the TCEQ's Sunset Bill if that amendment were a part of it, and would vote against it is as part of the conference committee report.

Senator Huffman: That's correct. It's my intention, it will not be on the final bill.

Senator Watson: Thank you.

Senator Huffman: Yes, Sir.

Senator Watson: There was also another amendment and that was Floor Amendment No. 39. And, Members, what Floor Amendment No. 39 would do is, it would eliminate, do away with the opportunity for a contested case hearing. So your constituents would no longer have an opportunity for a contested case hearing on any amendment to an air pollution permit held by an electric generating facility, like a coal-fired power plant, seeking to implement new controls on hazardous air pollutants such as mercury and air toxics. This amendment replaces the contested case with what is essentially a public meeting. It's called a public hearing in the amendment, but it's really more akin to what we know in Texas as a public meeting and the public comment period, which many see as, basically, a meaningless kind of public venting process, is about what you would have here. What happened, Members, is this process allows for no affected person, an affected person is a term of art, it allows for no affected person to termination, no referral of a case to the State Office of Hearing Examiners for a quasi-judicial proceeding before an administrative law judge, no discovery, no cross-examination of witnesses, no burden of proof on the applicant, no leverage to force any applicant to the negotiating table to try to negotiate greater reductions in the emissions of hazardous air pollutants than the applicant TCEQ have already agreed to. Now, with that as background, Members, that's very important to

your constituents, that big change. So, Senator Huffman, let me ask you, as the author of this bill, it's my understanding that you also oppose this amendment and would vote against it if it were part of the bill?

Senator Huffman: That's correct.

Senator Watson: So when, if we suspend and if this passes and it goes to conference committee and this somehow, first of all, you're going to fight in conference committee, but if it comes back over here, you're out-voted, you would help lead voting against that, if that amendment is on the TCEQ Sunset Bill?

Senator Huffman: I'm going to do everything I can to keep it off in conference. I agree with you, it has no place on the Sunset Bill. I agree with you that the concept is not a good one, that Representative Chisum was promoting, which was a stand-alone bill which, actually, I think, died in Calendars over in the House. And I agree with you, shouldn't be on the bill.

Senator Watson: Great, thank you.

Senator Huffman: Yes, Sir.

Senator Watson: Let me ask you about another amendment. And that relates to compliance, history, and notice of violations. An issue that the Sunset report and the Sunset Commission didn't take a position on in their consideration of this bill, was issues related to NOV's, what are known as NOV's in compliance history. They didn't take a position on the consideration of this bill, but it became an issue, again, over on the House version of this bill. Right?

Senator Huffman: Yes, and on Senator, not Senator, Representative Wayne Smith linked the amendment on compliance history, yes.

Senator Watson: Now, currently, it's my understanding that TCEQ's penalty policy allows for up to five years of compliance history to be used as a penalty enhancement. In other words, if you can look at five years of bad acts, I guess, and, you know, I keep thinking of that bill you had where you and Senator West and Senator Hinojosa had some pretty heated debate because you were in favor in that bill of looking at prior bad acts, even though there might not be a conviction.

Senator Huffman: Right.

Senator Watson: Well, in this instance, currently, TCEQ can look back for five years—

Senator Huffman: Right.

Senator Watson: —at past notices of violations and compliance history to make a determination about what the penalty ought to be. Is that right?

Senator Huffman: Yes. As I understand it, yes.

Senator Watson: And what happened is, the House Bill caps enhancement and its escalation of penalties at 100 percent of the base penalty. And it also says that individual notices of violation are not to be considered as part of penalty enhancement. Is that right?

Senator Huffman: As I understand the reading of that amendment, yes, or as the engrossed version of the bill with, as amended, yes.

Senator Watson: Now, based on the penalties assessed in the year 2010, it's my understanding, and tell me if you, if it's your understanding that TCEQ's director of enforcement estimates that this will reduce TCEQ penalty authority by about 20 percent.

Senator Huffman: Let me make sure that's correct, because there's some difference, depending on which of those they enacted—

Senator Watson: I understand.

Senator Huffman: —it says, because he had an original, but it said, under Smith's original bill, TCEQ would lose 40 percent of the administrative penalty and in the current bill, yes, I guess the amendment, it would be 20 percent. So I think you're correct, yes.

Senator Watson: Alright, so doing that, doing the math on that, in 2010, in 2010 the agency assessed 17.1 million dollars in penalties and fines, so what that means is, if this amendment is part of the final bill, just using 2010, this would've reduced that to 13.3 million dollars.

Senator Huffman: That sounds about right, yes, Sir.

Senator Watson: Now, it's my understanding, and I want to make sure I know where you are on this, that you support consideration of notices of violation, just like you did in the bill that you had. And you support consideration of compliance history for penalty enhancement, maybe not for five years but for at least a period of time such as one year.

Senator Huffman: Yes, that's correct.

Senator Watson: And is that, if we vote to suspend on this, can we count on you, as part of the conference committee, if it comes back, to be opposed to something that does away with the ability to make those sorts of considerations?

Senator Huffman: That's correct, and I think what you and I talked about was the one-year range, not saying it might be more, but it would be at least the one-year range.

Senator Watson: And at minimum of one year.

Senator Huffman: Yes, Sir, yes.

Senator Watson: The bill that we have before us calls on the commission by rule to adopt enforcement policies. What's your intent with that provision?

Senator Huffman: Well, I believe that we will still let the commission, following the guidelines that are set up in statute, to establish those rules.

Senator Watson: Okay, well, the House adopted, let's talk about, again, one of these House amendments.

Senator Huffman: And if you want to direct me to a specific amendment, because there are a lot of them, yeah.

Senator Watson: And you'll be familiar with this. The House adopted an amendment that has a slight revision of what appears in the Senate Bill that would call on the policies to also include penalty calculations that would be a deterrent to prevent the economic benefit of noncompliance. In other words, if you're not complying, we don't want you to gain an economic benefit.

Senator Huffman: And I strongly support that concept.

Senator Watson: Yeah, you and I have discussed that provision. It's my understanding you're supportive of that language staying in the bill, being a part of the bill, and be what we ultimately vote on when it comes back from conference.

Senator Huffman: It makes good sense, yes, Sir.

Senator Watson: Okay, thank you. Let me ask you a couple of questions about the Public Interest Counsel—

Senator Huffman: Okay.

Senator Watson: —and what you, as the, what you deem to be in the public interest. The bill makes some changes to the Office of Public Interest Counsel, and I think the recommendations that lead to these changes are strong, and I support the changes. I just want to make sure that the intent of those changes are clear. The bill clarifies that the primary duty of the office is to represent the public interest and give the commission the right to establish rules that will increase control over OPIC. My only concern is that this new authority could limit the independence of this office and could reduce its ability to determine what's in the public interest and to adequately assist the citizens. So let me ask you a couple of questions about that.

Senator Huffman: Okay.

Senator Watson: And has OPIC, the Office of Public Interest Counsel, historically provided procedural assistance to the public regarding the contested case hearing process?

Senator Huffman: Yes, yes.

Senator Watson: And under the revised statutory description of OPIC's responsibilities, will OPIC maintain its ability to answer procedural questions from people participating as a party in a contested case hearing?

Senator Huffman: It's my understanding that OPIC will continue to represent the public as a party in contested case hearings.

Senator Watson: So the language change isn't intended to eliminate the Public Interest Counsel's role in providing public assistance.

Senator Huffman: I believe that it is not.

Senator Watson: Okay. And that's your understanding, and for legislative intent purposes, that would be the legislative intent.

Senator Huffman: That is my understanding, and then, of course, the bill also sets out, and I'll have to find which page that's on, but it also sets out what factors are to be considered when determining exactly what the functions of OPIC will be. And I'll

have to find it in just a minute. And I think it's Section 5.276 of the bill that says, factors for public interest, representation, and it gives guidance on what factors are to be considered to determine the nature and extent of the public interest.

Senator Watson: But that's the key part of what I want to make sure we're entering here.

Senator Huffman: Okay.

Senator Watson: Is, even though those provisions are there, the language isn't intended to eliminate the Public Interest Counsel's current role in providing public assistance.

Senator Huffman: Correct, it's just setting the parameters of the issues, is my understanding.

Senator Watson: And let me ask the question slightly differently. Is there any case where we would not want to protect the ability of the public to participate in the permitting process?

Senator Huffman: Absolutely not. And I really believe that the objective of the, of Sunset and of the commission was to make the process work better and, you know, OPIC had been spread thinly. It wasn't really operating like it should operate, and so, the intent is to make the process better, and that's the legislative intent. Let's make it better. Let's make it easier for the public to get information, to find out about the process, to participate in the process. That's the intent.

Senator Watson: And so, there, you don't see, and there's no intent to say that providing procedural assistance to the public during the permitting process, that there's a conflict, conflict of interest somehow between that role, providing assistance, and OPIC's role as an advocate for the public interest.

Senator Huffman: That would be the intention, yes.

Senator Watson: You don't see a conflict.

Senator Huffman: There should not be a conflict. And it should be set up in such a way that there's not a conflict.

Senator Watson: The factors that you just listed to require, to establish performance measures, in developing those factors and performance measures, you agree that the commission should also preserve OPIC's ability to function independently.

Senator Huffman: You know, I'm going to have to look at the legislation carefully on that, because I don't want to say something that I'm not sure of in that regard.

Senator Watson: Well, the Office of Public Interest Counsel, you agree, ought to be independent in what, independent from the commission, otherwise it can't always represent the public interest. Right?

Senator Huffman: Well, I agree that they should be able to make independent decisions. I guess I'm getting thrown by you saying, operating independently, when they may be housed, or be work with TCEQ in, to fulfill its functions.

Senator Watson: In other words, they don't have to take direction from the commissioners?

Senator Huffman: That's correct, yes.

Senator Watson: Okay, thank you, Senator Huffman. I appreciate you giving me the time.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2694 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2694** at this time on its second reading:

CSHB 2694, Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2694** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, in added Section 91.0115(c), Natural Resources Code (page 2, line 33), strike "only".

(2) In ARTICLE 2 of the bill, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION 2. Subchapter D, Chapter 91, Natural Resources Code, is amended by adding Section 91.1015 to read as follows:

Sec. 91.1015. GROUNDWATER PROTECTION REQUIREMENTS. The commission shall adopt rules to establish groundwater protection requirements for operations that are within the jurisdiction of the commission, including requirements relating to the depth of surface casing for wells.

(3) In SECTION 2.05 of the bill, in amended Section 27.046(a), Water Code (page 2, line 58), between "until the" and "commission", insert "railroad".

(4) In SECTION 4.01 of the bill, in added Section 5.753(d-1), Water Code (page 4, line 35), strike "other".

(5) In SECTION 4.05 of the bill, in added Section 7.067(a-2), Water Code (page 5, line 27), strike "rules requiring" and substitute "a requirement for".

(6) In SECTION 4.05 of the bill, in added Section 7.067(a-2)(1), Water Code (page 5, line 28), strike "entity's" and substitute "respondent's".

(7) In SECTION 4.05 of the bill, in added Section 7.067(a-2)(2), Water Code (page 5, line 30), strike "ability of the entity" and substitute "respondent's ability".

(8) In SECTION 4.08 of the bill, in added Section 26.351(c-1), Water Code (page 6, line 3), strike "remediate" and substitute "remove".

(9) In SECTION 4.08 of the bill, in added Section 26.351(c-2), Water Code (page 6, line 7), strike "remediate" and substitute "remove".

(10) In SECTION 4.11 of the bill, in Subsection (c) of the transition language (page 7, line 17), strike "a petroleum" and substitute "an underground".

(11) In SECTION 4.11 of the bill (page 7, between lines 18 and 19), insert the following:

(d) The fee applicable to a delivery in Section 26.3574(b), Water Code, as that subsection existed immediately before the effective date of this Act, remains in effect until the Texas Commission on Environmental Quality adopts and implements a fee applicable to that delivery under Section 26.3574(b-1), Water Code, as added by this article.

(12) In the recital to SECTION 5.01 of the bill (page 7, line 21), strike "(e), and (f)" and substitute "(e), (f), and (g)".

(13) In SECTION 5.01 of the bill, in amended Section 11.031, Water Code (page 7, between lines 32 and 33), insert the following:

(g) Subsections (e) and (f) do not affect the authority of a watermaster to obtain water use information under other law.

(14) In SECTION 6.01 of the bill, in amended Section 401.246(a), Health and Safety Code (page 8, line 20), between "Waste" and "Compact", insert "Disposal".

(15) In SECTION 6.03 of the bill, in amended Section 5.701(n)(3), Water Code (page 8, lines 59-60), strike "only to the commission or to the Public Utility Commission of Texas" and substitute "by a rider to the General Appropriations Act to an agency with duties related to water and sewer utility regulation or representation of residential and small commercial consumers of water and sewer utility services".

(16) In ARTICLE 6 of the bill, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 6.__. The changes in law made by Section 5.701, Water Code, as amended by this article, apply only to a fee assessed on or after January 1, 2012. A fee assessed before January 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(17) In SECTION 7.01 of the bill, strike added Section 13.1325, Water Code (page 9, lines 35-40), and substitute the following:

Sec. 13.1325. ELECTRONIC COPIES OF RATE INFORMATION. On request, the state agency with jurisdiction over rates charged by water and sewer utilities shall provide, at a reasonable cost, electronic copies of all information provided to the agency under Sections 13.016, 13.043, and 13.187 to the extent that the information is available and is not confidential. Copies of all information provided to the agency shall be provided to the Office of Public Utility Counsel, on request, at no cost to the office.

(18) In SECTION 8.05 of the bill, in amended Section 367.009, Health and Safety Code (page 10, line 40), between "Money" and "appropriated", insert "collected and".

The amendment to **CSHB 2694** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2694** (senate committee report) in SECTION 5.02 of the bill by striking added Section 11.053, Water Code (page 7, lines 35 through 50), and substituting the following:

Sec. 11.053. EMERGENCY ORDER CONCERNING WATER RIGHTS. (a) During a period of drought or other emergency shortage of water, as defined by commission rule, the executive director by order may, in accordance with the priority of water rights established by Section 11.027:

(1) temporarily suspend the right of any person who holds a water right to use the water; and

(2) temporarily adjust the diversions of water by water rights holders.

(b) The executive director in ordering a suspension or adjustment under this section shall ensure that an action taken:

(1) maximizes the beneficial use of water;

(2) minimizes the impact on water rights holders;

(3) prevents the waste of water;

(4) takes into consideration the efforts of the affected water rights holders to develop and implement the water conservation plans and drought contingency plans required by this chapter;

(5) to the greatest extent practicable, conforms to the order of preferences established by Section 11.024; and

(6) does not require the release of water that, at the time the order is issued, is lawfully stored in a reservoir under water rights associated with that reservoir.

(c) The commission shall adopt rules to implement this section, including rules:

(1) defining a drought or other emergency shortage of water for purposes of this section; and

(2) specifying the:

(A) conditions under which the executive director may issue an order under this section;

(B) terms of an order issued under this section, including the maximum duration of a temporary suspension or adjustment under this section; and

(C) procedures for notice of, an opportunity for a hearing on, and the appeal to the commission of an order issued under this section.

The amendment to **CSHB 2694** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2694** (Senate Committee Printing) by inserting a new subsection (b-1) on page 2, line 4, as follows:

(b-1) The commission may enter into an agreement with an owner of a dam who is required to reevaluate the adequacy of an existing dam or spillway. The agreement may include timelines to achieve compliance with the commission's design criteria and may authorize deferral of compliance with the criteria, as appropriate.

The amendment to **CSHB 2694** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 2694** (Senate Committee Printing) by inserting new subsections (e-1), (e-2), (e-3), and (e-4) on page 2, line 4, as follows:

(e-1) The commission shall exempt an owner of a dam located on private property from meeting requirements related to dam safety if the dam:

(1) at maximum capacity impounds less than 500 acre feet;

(2) has a hazard classification of low or significant; and,

(3) is located in a county with a population of less than 215,000 according to the 2010 population census.

(e-2) Notwithstanding Subsection (e-1), an owner of a dam shall comply with operation and maintenance requirements established by a commission rule.

(e-3) This section does not apply to a dam that is located inside the jurisdictional limits of a municipality.

(e-4) The exemption in subsection (e-1) expires on August 31, 2013.

The amendment to **CSHB 2694** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

Yeas: Davis, Duncan, Eltife, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Seliger, Uresti, Whitmire, Zaffirini.

Nays: Birdwell, Carona, Deuell, Estes, Fraser, Harris, Huffman, Nelson, Nichols, Ogden, Patrick, Rodriguez, Shapiro, Van de Putte, Watson, Wentworth, West, Williams.

Absent: Ellis.

On motion of Senator Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2694 as amended was passed to third reading by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 2694 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2694** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate an El Paso Harmony Science Academy delegation: Haylee Barraza, Manuel Lopez, Fernando Melendez, David Lopez, and Seth Martin, accompanied by their teacher, Allanur Agaberdiyev.

The Senate welcomed its guests.

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 14 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 14** at this time on its second reading:

CSSJR 14, Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

The resolution was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 14 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 14** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 516 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 516** at this time on its second reading:

CSSB 516, Relating to the exemption from ad valorem taxation of all or part of the appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 516 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 516** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 578 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 578** at this time on its second reading:

SB 578, Relating to the testimony of children in criminal cases.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 578** (senate committee report) in SECTION 1 of the bill, in proposed Section 2, Article 38.074, Code of Criminal Procedure (page 1, line 19), between "offense" and the underlined period, by inserting "other than the testimony of a child in a hearing or proceeding in a criminal case in which that child is the defendant".

The amendment to **SB 578** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 578 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 578 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 578** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1175 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1175** at this time on its second reading:

CSSB 1175, Relating to the Texas Enterprise Fund and the Texas emerging technology fund.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1175 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1175** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1402 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1402** at this time on its second reading:

CSSB 1402, Relating to motor vehicles; providing penalties.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1402** (senate committee printing) in SECTION 163 of the bill by striking amended Sections 502.491(b) and (c), Transportation Code (page 70, lines 37-48) and substituting:

(b) On a sale or transfer of a motor vehicle in which neither party holds a general distinguishing number issued under Chapter 503, the [A license plate removed from a motor vehicle under Subsection (a) or (a-1) must be:

[~~(1) disposed of in the manner specified by the department; or~~

[~~(2) transferred to another vehicle owned by the seller or transferor as provided by Section 502.452.~~

[~~(e) The~~] part of the registration period remaining at the time of the sale or transfer shall continue with the vehicle being sold or transferred and does not transfer with the license plates or registration validation insignia. To continue the remainder of the registration period, the purchaser or transferee must file the documents required under Section 501.145 [~~520.034~~].

(c) On the sale or transfer of a motor vehicle to a dealer, as defined by Section 503.001, who holds a general distinguishing number issued under Chapter 503, the registration period remaining at the time of the sale or transfer expires at the time of the sale or transfer. On the sale of a used motor vehicle by a dealer, the dealer shall issue to the buyer new registration documents for an entire registration year.

The amendment to **CSSB 1402** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1402** (Senate Committee Report) as follows:

(1) On page 29, line 45 to line 58, strike subsection (b) and (c) and substitute the following:

(b) The department may collect a fee for processing a title or registration payment by electronic funds transfer, credit card, or debit card. The amount of the fee must not exceed the charges incurred by the state because of the use of the electronic funds transfer, credit card, or debit card.

(c) For online transactions the department may collect from a person making payment by electronic funds transfer, credit card, or debit card an amount equal to any fee charged in accordance Government Code, Section 2054.2591.

(2) On page 50, line 4 to line 17, strike subsection (c) and (d) and substitute the following:

(c) The department may collect a fee for processing a payment by electronic funds transfer, credit card, or debit card. The amount of the fee must not exceed the charges incurred by the state because of the use of the electronic funds transfer, credit card, or debit card.

(d) For online transactions the department may collect from a person making payment by electronic funds transfer, credit card, or debit card an amount equal to the amount of any fee charged in accordance Government Code, Section 2054.2591.

The amendment to **CSSB 1402** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1402 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1402 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1402** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 272** to Committee on Business and Commerce.
- HB 398** to Committee on Education.
- HB 590** to Committee on Finance.
- HB 1128** to Committee on Administration.
- HB 1228** to Committee on Intergovernmental Relations.
- HB 1355** to Committee on Business and Commerce.
- HB 1359** to Committee on Jurisprudence.
- HB 1797** to Committee on Health and Human Services.
- HB 1951** to Committee on Government Organization.
- HB 2078** to Committee on Finance.
- HB 2096** to Committee on Criminal Justice.
- HB 2098** to Committee on State Affairs.
- HB 2102** to Committee on State Affairs.
- HB 2103** to Committee on Business and Commerce.
- HB 2190** to Committee on State Affairs.
- HB 2247** to Committee on Education.
- HB 2316** to Committee on Intergovernmental Relations.
- HB 2340** to Committee on Economic Development.
- HB 2359** to Committee on State Affairs.
- HB 2363** to Committee on Intergovernmental Relations.
- HB 2425** to Committee on State Affairs.
- HB 2492** to Committee on Jurisprudence.
- HB 2510** to Committee on Natural Resources.
- HB 2595** to Committee on State Affairs.
- HB 2702** to Committee on Administration.
- HB 2707** to Committee on Business and Commerce.
- HB 2746** to Committee on Finance.
- HB 2960** to Committee on Transportation and Homeland Security.
- HB 2994** to Committee on Agriculture and Rural Affairs.
- HB 2996** to Committee on Agriculture and Rural Affairs.
- HB 2997** to Committee on Agriculture and Rural Affairs.
- HB 3001** to Committee on Criminal Justice.
- HB 3036** to Committee on Intergovernmental Relations.
- HB 3079** to Committee on Transportation and Homeland Security.
- HB 3111** to Committee on Intergovernmental Relations.
- HB 3125** to Committee on Jurisprudence.
- HB 3152** to Committee on State Affairs.
- HB 3216** to Committee on Intergovernmental Relations.
- HB 3283** to Committee on Economic Development.
- HB 3369** to Committee on Health and Human Services.
- HB 3387** to Committee on Health and Human Services.
- HB 3399** to Committee on Natural Resources.
- HB 3475** to Committee on Jurisprudence.

HB 3595 to Committee on Business and Commerce.

HB 3647 to Committee on Finance.

HB 3723 to Committee on Transportation and Homeland Security.

HB 3730 to Committee on Transportation and Homeland Security.

HB 3797 to Committee on Economic Development.

HCR 42 to Committee on Transportation and Homeland Security.

HJR 109 to Committee on Finance.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills today: **SB 1920, HB 8.**

SENATE RULE 11.10(a) SUSPENDED

(Public Notice of Committee Meetings)

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Economic Development might meet today.

SENATE RULE 11.10(a) SUSPENDED

(Public Notice of Committee Meetings)

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Open Government might meet today.

SENATE RULE 11.10(a) SUSPENDED

(Public Notice of Committee Meetings)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Transportation and Homeland Security might meet today.

CO-AUTHOR OF SENATE BILL 1652

On motion of Senator Watson, Senator Patrick will be shown as Co-author of **SB 1652.**

CO-AUTHOR OF SENATE BILL 1724

On motion of Senator Zaffirini, Senator Birdwell will be shown as Co-author of **SB 1724.**

CO-AUTHOR OF SENATE JOINT RESOLUTION 14

On motion of Senator Van de Putte, Senator Williams will be shown as Co-author of **SJR 14.**

CO-SPONSOR OF HOUSE BILL 5

On motion of Senator Nelson, Senator Nichols will be shown as Co-sponsor of **HB 5.**

CO-SPONSOR OF HOUSE BILL 123

On motion of Senator Nelson, Senator Lucio will be shown as Co-sponsor of **HB 123**.

CO-SPONSOR OF HOUSE BILL 2014

On motion of Senator Van de Putte, Senator Davis will be shown as Co-sponsor of **HB 2014**.

CO-SPONSOR OF HOUSE BILL 2624

On motion of Senator Van de Putte, Senator Davis will be shown as Co-sponsor of **HB 2624**.

CO-SPONSORS OF HOUSE BILL 3000

On motion of Senator Van de Putte, Senators Davis and Lucio will be shown as Co-sponsors of **HB 3000**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 973 by Van de Putte, In memory of Manuel Ortiz, Jr., of San Antonio.

SR 977 by Wentworth, In memory of Travis D. Bailey, Jr., of San Antonio.

SR 978 by Wentworth, In memory of Louis Herbert Stumberg of San Antonio.

Congratulatory Resolutions

SR 970 by Gallegos, Congratulating Olga Ramirez Gallegos on receiving an honorary degree from Houston Community College.

SR 971 by Williams, Congratulating Jaime Villanueva and Cory McCollough on the birth of their daughter, Lucia Christine Villanueva McCollough.

SR 974 by Van de Putte, Recognizing Jose B. Alcorta on the occasion of his 92nd birthday.

SR 976 by Harris, Recognizing Janice McAfee of Arlington on the occasion of her retirement.

SR 979 by Lucio, Recognizing Crescencia Compean Treviño on the occasion of her retirement from the Harlingen Consolidated Independent School District.

SR 980 by Lucio, Recognizing Guadalupe Aguilar on the occasion of her retirement from the Harlingen Consolidated Independent School District.

SR 981 by Hinojosa, Congratulating Bridget McKeever of Corpus Christi on her installation as president of the Texas Medical Association Alliance.

SR 982 by Hinojosa, Recognizing Sophie Redwine Susser on the occasion of her Bat Mitzvah.

SR 983 by Hinojosa, Recognizing the Veterans Band of Corpus Christi on the occasion of its 25th anniversary.

HCR 135 (Jackson), Honoring Bill Bailey, retiring constable for Precinct 8 of Harris County.

Official Designation Resolutions

SR 972 by Nelson, Proclaiming May of 2011 to be American Stroke Month in Texas.

SR 975 by Van de Putte, Commemorating May of 2011 as National Water Safety Month.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:43 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 12, 2011

BUSINESS AND COMMERCE — CSSB 1425, CSHB 1146

GOVERNMENT ORGANIZATION — SB 1460

CRIMINAL JUSTICE — CSHB 1754, CSHB 2725, HB 215, HB 649, HB 976, HB 1028, HB 1106, HB 1215, HB 1381, HB 1529, HB 1666, HB 2354, HB 2385, HB 2633, HB 2482

JURISPRUDENCE — HB 549, HB 627, HB 901, HB 942, HB 962, HB 1048, HB 1426, HB 1559, HB 1614, HB 1633, HB 3174

CRIMINAL JUSTICE — CSHB 200, CSHB 350

JURISPRUDENCE — CSSB 1807, CSHB 2488

TRANSPORTATION AND HOMELAND SECURITY — CSHB 378

GOVERNMENT ORGANIZATION — CSHB 2499

FINANCE — CSHB 275

BUSINESS AND COMMERCE — CSSB 923

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — HB 282, HB 1514, HB 1665, HB 2624, HB 2851, HB 2928, HB 3179, HB 3470

CRIMINAL JUSTICE — CSSB 1503

HIGHER EDUCATION — HB 2937, HB 2908, CSHB 3577, HB 399, CSHB 2907, SB 774

NATURAL RESOURCES — CSHB 1814, CSHB 3372

FINANCE — **CSHB 252, CSHB 268, HB 533**

ADMINISTRATION — **CSHB 1168**

OPEN GOVERNMENT — **HB 3307**

HIGHER EDUCATION — **CSHJR 130**

CRIMINAL JUSTICE — **HB 1908, HCR 68, CSSB 1713**

EDUCATION — **CSSB 1871**

BILLS ENGROSSED

May 11, 2011

SB 197, SB 975, SB 995, SB 1074, SB 1265, SB 1360, SB 1493, SB 1588, SB 1610, SB 1611, SB 1829

BILLS AND RESOLUTIONS ENROLLED

May 11, 2011

SB 198, SB 250, SB 529, SB 748, SB 758, SB 1024, SB 1107, SB 1478, SR 964, SR 965, SR 966, SR 968, SR 969

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTIETH DAY

(Friday, May 13, 2011)

The Senate met at 10:17 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

The Reverend Samuel Kyles, Monumental Baptist Church, Memphis, Tennessee, his wife, Aurelia, and daughter, Epernay, were introduced by Senator Ellis, and the Reverend Kyles offered the invocation as follows:

Members and guests: It was said that Robert Louis Stevenson was a man who never enjoyed good health. Even as a child he was puny and frail. One of his favorite pastimes was to look out of his window and see an old man with a ladder. He would take his ladder to a pole, climb up, light the light, come down, take the ladder to another pole, light the light, and come down. One day his nurse asked him, "Robert, what are you doing?" He said, "I'm watching that old man knock holes in the darkness." Because everywhere he went with that ladder and light it appeared to him that it was a hole knocked in the darkness. And there is this battle between darkness and light, always one trying to win over the other. And so, I suggest as humbly as I can, dear Lord, I suggest that with all that we are involved in, in all that we are doing, we ought to spend some time knocking holes in the darkness. Knock holes in the darkness of ignorance so that we know who we are and whose we are and where we are, and so we knock holes in the darkness of indifference so that we become caretakers of us all. All will agree, I would hope that all would agree, that you shouldn't light a light and hide it under a bushel, but put it on a candlestick so that all who walk in darkness can find their way. There is no value in placing it under a bushel. One thing to remember again, dear Lord, as we come to You, as long as one candle burns, the darkness cannot win. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

- HB 1528** Miller, Sid
Relating to consolidating precincts in a primary election.
- HB 1576** Garza
Relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.
- HB 1580** Brown
Relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.
- HB 1689** Brown
Relating to the monitoring and enhancement of health and human services information technology.
- HB 1728** Keffer
Relating to energy savings performance contracts and energy efficiency planning.
- HB 1776** Lozano
Relating to contracts between dentists and health maintenance organizations or insurers.
- HB 1871** Giddings
Relating to the amount and payment of attorney's fees in certain workers' compensation cases.
- HB 1872** Giddings
Relating to requirements regarding information to be provided to employees covered by workers' compensation health care networks.
- HB 1886** Morrison
Relating to unclaimed property.
- HB 1994** Weber
Relating to the creation of a first offender prostitution prevention program.
- HB 2006** Bonnen
Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.
- HB 2233** Huberty
Relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.
- HB 2382** Murphy
Relating to notice required upon nonrenewal of property and casualty insurance policies.
- HB 2460** Truitt
Relating to confidentiality of information held by a public retirement system.
- HB 2589** Pena
Relating to the distribution and delivery of voter registration applications by volunteer deputy registrars; providing criminal penalties.

WHEREAS, The engrossed bill does not include the changes made by Floor Amendment No. 53 adopted on second reading by the Texas House of Representatives and erroneously includes the changes made by Floor Amendment No. 52, which was tabled on second reading by the house of representatives; now, therefore, be it

RESOLVED, by the Texas House of Representatives, the Texas Senate concurring, That the house of representatives hereby respectfully requests the senate to return House Bill No. 1951 to the chief clerk of the house of representatives; and, be it further

RESOLVED, That the chief clerk be instructed to correct the engrossed bill to reflect the bill text as passed by the house of representatives.

HEGAR

HCR 161 was read.

On motion of Senator Hegar and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

SENATE RESOLUTION 986

Senator Lucio offered the following resolution:

SR 986, Recognizing Amadeo Saenz, Jr., on his retirement from the Texas Department of Transportation.

The resolution was read.

On motion of Senator Williams and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Amadeo Saenz, Jr., and Geri Saenz.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Hinojosa was recognized and presented Dr. Jean-Jacques Carr of Robstown as the Physician of the Day.

The Senate welcomed Dr. Carr and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 12, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas State Board of Public Accountancy for terms to expire January 31, 2017:

J. Coalter Baker

Austin, Texas

(replacing Gregory Bailes of Bee Cave whose term expired)

John R. Broaddus

El Paso, Texas

(replacing John Dunbar of El Paso whose term expired)

Jonathan B. Cluck

Fair Oaks Ranch, Texas

(replacing James Pollard of Canadian whose term expired)

Rocky L. Duckworth

Houston, Texas

(replacing Dorothy Fowler of Corpus Christi whose term expired)

Catherine Rodewald

Dallas, Texas

(Ms. Rodewald is being reappointed)

To be the District Attorney for the 109th Judicial District, Crane and Winkler Counties, for a term until the next General Election and until her successor shall be duly elected and qualified:

Dorothy Ann Holguin

Kermit, Texas

Ms. Holguin is replacing Mike Fostel who retired.

Respectfully submitted,

/s/Rick Perry

Governor

SENATE RESOLUTION 969

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Destiny Bailey, who has been selected as Laredo's 2011 Youth of the Year; and

WHEREAS, The Laredo Youth of the Year program is sponsored by the United States Border Patrol and Senator Judith Zaffirini to honor an outstanding student who excels academically and serves as a leader in the community; and

WHEREAS, A senior at John B. Alexander High School of the United Independent School District, Destiny has maintained a grade point average of 105.34, which ranks second out of a class of 563; she is one of the highest-achieving students in her calculus class and is a member of the National Honor Society; and

WHEREAS, Throughout her high school years, she has consistently excelled academically and has emerged as a leader among her classmates; she has served as president of her class for the last three years, is a member of the Superintendent Advisory Committee, and has served as a tutor and as a motivational speaker at elementary schools; and

WHEREAS, In addition to her exceptional performance in school, Destiny takes her role as Miss Laredo Teen USA 2010 seriously and structures her life accordingly, serving as an example to young people; she enjoys working with children and is active in her community; and

WHEREAS, Destiny plans to attend Johns Hopkins University in Baltimore and will major in neuroscience; her goal is to attend medical school and become a neurologist and research scientist; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Destiny Bailey on her outstanding accomplishments and extend to her congratulations on earning the title of Laredo's 2011 Youth of the Year; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of esteem from the Texas Senate.

SR 969 was again read.

The resolution was previously adopted on Wednesday, May 11, 2011.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Laredo's 2011 Youth of the Year, Destiny Dawn Bailey; accompanied by her father, Harlan E. Bailey; her mother, Laura Bailey; and U.S. Border Patrol Laredo Sector Chief, Robert L. Harris.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 13, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1951

Pursuant to the adoption of HCR 161, the House corrects and returns H.B. 1951 to the Senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Davis was recognized and introduced to the Senate Honorary Senate Page Amanda Lovett.

The Senate welcomed its guest.

SENATE RESOLUTION 513

Senator Lucio offered the following resolution:

SR 513, In memory of Vivia Halbert.

The resolution was again read.

The resolution was previously adopted on Tuesday, March 15, 2011.

In honor of the memory of Vivia Halbert, the text of **SR 513** is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Wayne Halbert, Deana Halbert Everett, and Stephen Halbert.

The Senate welcomed its guests and extended its sympathy.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 1951 to Committee on Government Organization.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:11 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1696 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1696** at this time on its second reading:

CSSB 1696, Relating to the creation of an automatic license plate reader pilot program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1696 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1696** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1697 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1697** at this time on its second reading:

CSSB 1697, Relating to duties and restrictions regarding the special Texas Rangers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1697 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1697** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1695 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1695** at this time on its second reading:

CSSB 1695, Relating to penalties for engaging in organized criminal activity.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1695** (senate committee report) in SECTION 6 of the bill by striking amended Section 71.023(a), Penal Code (page 2, line 64, through page 3, line 9), and substituting the following:

(a) A person commits an offense if the person, as part of the identifiable leadership of a criminal street gang, knowingly ~~[initiates, organizes, plans,]~~ finances, directs, ~~[manages,]~~ or supervises the commission of, or a conspiracy to commit, one or more of the following offenses by ~~[a criminal street gang or]~~ members of a criminal street gang:

(1) a felony that is listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure;

(2) a felony for which it is shown that a deadly weapon, as defined by Section 1.07, was used or exhibited during the commission of the offense or during immediate flight from the commission of the offense; or

(3) an offense that is punishable as a felony of the first or second degree under Chapter 481, Health and Safety Code ~~[with the intent to benefit, promote, or further the interests of the criminal street gang or to increase the person's standing, position, or status in the criminal street gang].~~

The amendment to **CSSB 1695** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1695 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1695 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1695** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1658 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1658** at this time on its second reading:

CSSB 1658, Relating to the duties of and investigations conducted by the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to Sam Houston State University, and the accreditation of criminal laboratories by the Department of Public Safety of the State of Texas.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1658** (Senate Committee Printing) as follows:

(1) In the introductory language to SECTION 2 of the bill (page 1, line 37), strike "and (b-2)" and substitute "(b-2), (f), and (g)".

(2) In SECTION 2 of the bill, in proposed Subsection (a-1), Section 4, Article 38.01, Code of Criminal Procedure (page 1, line 52), between "initiate" and "an investigation", insert "for educational purposes".

(3) In SECTION 2 of the bill, in proposed Subsection (b-1), Section 4, Article 38.01, Code of Criminal Procedure (page 2, lines 31-55), strike all of the language and punctuation starting with the underlined colon at the end of line 31 and ending with the underlined period at the end of line 55 and substitute the following:
may include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;

(2) best practices identified by the commission during the course of the investigation; and

(3) other recommendations that are relevant, as determined by the commission.

(4) In SECTION 2 of the bill, following amended Subsection (e), Section 4, Article 38.01, Code of Criminal Procedure (page 3, between lines 5 and 6), insert:

(f) The commission may not make a determination of whether professional negligence or professional misconduct occurred or issue a finding on that question in an investigation initiated under Subsection (a-1) or for which an investigation report may be prepared under Subsection (b-1).

(g) The commission may not issue a finding related to the guilt or innocence of a party in an underlying civil or criminal trial involving conduct investigated by the commission under this article.

(5) In the introductory language to SECTION 3 of the bill (page 3, line 7), strike "and 10" and substitute "10, and 11".

(6) In SECTION 3 of the bill, following proposed Section 10, Article 38.01, Code of Criminal Procedure (page 3, between lines 48 and 49), insert:

Sec. 11. REPORT INADMISSIBLE AS EVIDENCE. A written report prepared by the commission under this article is not admissible in a civil or criminal action.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsections (a) and (b), Section 3, Article 38.01, Code of Criminal Procedure, are amended to read as follows:

(a) The commission is composed of the following seven ~~nine~~ members[~~:~~

~~[(1) four members]~~ appointed by the governor:

(1) five ~~who [(A) two of whom]~~ must have expertise in the field of forensic science;

(2) ~~[(B) one who [of whom]~~ must be a prosecuting attorney that the governor selects from a list of 10 names submitted by the Texas District and County Attorneys Association; and

(3) ~~[(C) one who [of whom]~~ must be a defense attorney that the governor selects from a list of 10 names submitted by the Texas Criminal Defense Lawyers Association[~~:~~

~~[(2) three members appointed by the lieutenant governor:~~

~~[(A) one of whom must be a faculty member or staff member of The University of Texas who specializes in clinical laboratory medicine selected from a list of 10 names submitted to the lieutenant governor by the chancellor of The University of Texas System;~~

~~[(B) one of whom must be a faculty member or staff member of Texas A&M University who specializes in clinical laboratory medicine selected from a list of 10 names submitted to the lieutenant governor by the chancellor of The Texas A&M University System;~~

~~[(C) one of whom must be a faculty member or staff member of Texas Southern University who has expertise in pharmaceutical laboratory research selected from a list of 10 names submitted to the lieutenant governor by the chancellor of Texas Southern University; and~~

~~[(3) two members appointed by the attorney general:~~

~~[(A) one of whom must be a director or division head of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database; and~~

~~[(B) one of whom must be a faculty or staff member of the Sam Houston State University College of Criminal Justice and have expertise in the field of forensic science or statistical analyses selected from a list of 10 names submitted to the lieutenant governor by the chancellor of Texas State University System].~~

(b) Each member of the commission serves a two-year term. The terms ~~[term]~~ of the members appointed under Subsection ~~[Subsections]~~ (a)(1) expire ~~[and (2) expires]~~ on September 1 of each even-numbered ~~[odd-numbered]~~ year. The terms ~~[term]~~ of the members appointed under Subsections (a)(2) and ~~[Subsection]~~ (a)(3) expire ~~[expires]~~ on September 1 of each odd-numbered ~~[even-numbered]~~ year.

SECTION _____. (a) Notwithstanding any other law, the terms of the members of the Texas Forensic Science Commission appointed under Subsections (a)(1)(A), (a)(2), and (a)(3), Section 3, Article 38.01, Code of Criminal Procedure, and serving on the effective date of this Act expire on the date the last appointment to the commission is made under Subsection (b) of this section.

(b) Not later than January 1, 2012, the governor shall appoint five members of the Texas Forensic Science Commission, as required by Subsection (a)(1), Section 3, Article 38.01, Code of Criminal Procedure, as amended by this Act.

(Senator Eltife in Chair)

The amendment to **CSSB 1658** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1658** (Senate Committee Printing) as follows:

In SECTION 2 of the bill, in proposed Subsection (a-1), Section 4, Article 38.01, Code of Criminal Procedure (page 1, line 56), strike "of a quorum".

The amendment to **CSSB 1658** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1658 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1658 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1658** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1652 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1652** at this time on its second reading:

CSSB 1652, Relating to the implementation of new processes for the purposes of budget transparency, fiscal responsibility, and open government.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 1652 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1652** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1424 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **SB 1424** at this time on its second reading:

SB 1424, Relating to the issuance of cease and desist orders by the Texas Medical Board.

The motion prevailed.

Senator Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ogden.

SENATE BILL 1424 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1424** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1520 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1520** at this time on its second reading:

SB 1520, Relating to the consideration of applications for permits for certain commercial solid waste processing or treatment facilities.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1520** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 361.0865(a)(1), Health and Safety Code (page 1, line 20), between "government" and the underlined semicolon, insert ", including a facility leased to or from a local government".

(2) In SECTION 1 of the bill, in added Section 361.0865(b)(4), Health and Safety Code (page 1, line 36), strike "or average".

(3) In SECTION 1 of the bill, in added Section 361.0865(b)(5)(A), Health and Safety Code (page 1, line 43), between "of" and "waste", insert "municipal solid".

(4) In SECTION 1 of the bill, in added Section 361.0865(b)(5)(A), Health and Safety Code (page 1, lines 44-50), strike Subparagraphs (i)-(iii) and substitute the following:

(i) two or more administrative orders that assess penalties against the applicant or order the applicant to take corrective measures have been issued by the commission; or

(ii) four or more notices of violation have been issued by the commission to the applicant; and

(5) In SECTION 1 of the bill, in added Section 361.0865(b)(6), Health and Safety Code (page 1, line 57), strike "intent" and substitute "ability".

The amendment to **SB 1520** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1520 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1520 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1520** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1936 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 1936** at this time on its second reading:

HB 1936, Relating to importation and shipment of alcoholic beverages for personal consumption.

The motion prevailed.

Senators Birdwell, Fraser, Harris, Jackson, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Fraser, Harris, Jackson, Shapiro.

HOUSE BILL 1936 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1936** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Jackson, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

HOUSE BILL 2067 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2067** at this time on its second reading:

HB 2067, Relating to the regulation of the practice of engineering by individuals engaged in the evaluation of oil and gas resources.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2067 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2067** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2468 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2468** at this time on its second reading:

HB 2468, Relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2468 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2468** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1698 ON SECOND READING**

On motion of Senator Watson, on behalf of Senator Williams, and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1698** at this time on its second reading:

CSSB 1698, Relating to reporting concerning inmates who are confined in county jails and subject to federal immigration detainees.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1698 ON THIRD READING**

Senator Watson, on behalf of Senator Williams, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1698** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1699 ON SECOND READING**

Senator Watson, on behalf of Senator Williams, moved to suspend the regular order of business to take up for consideration **CSSB 1699** at this time on its second reading:

CSSB 1699, Relating to authorizing the use of an image verification system to determine whether an applicant for a driver's license or personal identification certificate is a fugitive from justice.

The motion prevailed.

Senators Fraser and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1699 ON THIRD READING**

Senator Watson, on behalf of Senator Williams, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1699** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Patrick.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 92 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 92** at this time on its second reading:

CSHB 92, Relating to the regulation of slaughterers by certain counties.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 92** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 142.001(1), Agriculture Code, is amended to read as follows:

(1) "Estray" means stray livestock, stray exotic livestock, stray bison, or stray exotic fowl.

The amendment to **CSHB 92** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 92 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 92 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 92** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1840 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1840** at this time on its second reading:

HB 1840, Relating to the creation and functions of the Texas Grain Producer Indemnity Board.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1840** (senate committee printing) in SECTION 3 of the bill as follows:

(1) Strike added Sections 41.204(a)(2)(A) through (D), Agriculture Code (page 2, lines 24-32), and substitute the following:

(A) one representative of the Texas Agricultural Cooperative Council or its successor organization;

(B) one representative of the Texas Grain & Feed Association or its successor organization;

(C) one representative of the non-warehouse grain-buying industry; and

(D) one member with expertise in production agriculture financing.

(2) In added Section 41.205, Agriculture Code (page 2, line 45), between "BOARD." and "The board", insert "(a)".

(3) In added Section 41.205, Agriculture Code (page 2, line 46), strike "once each year" and substitute "quarterly".

(4) After added Section 41.205, Agriculture Code (page 2, between lines 55 and 56), insert the following:

(b) Notwithstanding Chapter 551, Government Code, the board may hold an open or closed meeting by telephone conference call or video conference if:

(1) immediate action or a quarterly meeting is required; and

(2) the location at which a quorum of the board convenes is inconvenient for any member of the board.

(c) A meeting under Subsection (b) is subject to the notice requirements of Chapter 551, Government Code.

(d) Notice of a meeting under Subsection (b) must specify that the location at which meetings of the board are usually held is the location of the meeting.

(e) Each part of an open meeting under Subsection (b) shall be conducted in a manner that is audible to the public at the location specified in the notice of the meeting. The board shall ensure that each open meeting is tape recorded and that the tape recording is made available to the public after the meeting.

(5) After added Section 41.206(c), Agriculture Code (page 2, between lines 68 and 69), insert the following:

(d) The board shall notify the grain producer of the manner by which the grain producer may initiate a claim under Section 41.208. The notice may be provided in a manner determined by the board.

(6) Strike added Section 41.208(b)(1), Agriculture Code (page 3, lines 30-31), and substitute the following:

(1) be initiated:

(A) not more than 60 days after the applicable claim initiation date; or

(B) before a date determined by the board to be reasonable, if the board determines such a date; and

(7) After added Section 41.209(b), Agriculture Code (page 3, between lines 48 and 49), insert the following:

(c) The board shall make a determination under Subsection (a) within a reasonable period of time as established by the board.

(8) Strike added Section 41.209(e)(1), Agriculture Code (page 3, lines 65-66), and substitute the following:

(1) if the grain producer has failed to pay assessments for the current growing season under Section 41.206;

(9) After added Section 41.209(e), Agriculture Code (page 4, between lines 17 and 18), insert the following new subsection, appropriately lettered:

() Notwithstanding Subsection (f)(3), if the board determines that the documentation submitted in support of a grain producer's claim is incomplete, the board shall give the grain producer an opportunity to provide complete documentation.

(10) Reletter the subsections of added Section 41.209, Agriculture Code, and correct cross-references appropriately.

(11) In added Section 41.212(e), Agriculture Code (page 4, lines 56-57), strike "a simple majority of votes are cast in favor of the referendum", and substitute "the referendum meets the requirements of Section 41.031".

(12) In added Section 41.213(b), Agriculture Code (page 5, lines 10 and 11), strike "60" both places it appears and substitute "90".

The amendment to **HB 1840** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1840 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1840 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1840** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1826 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 1826** at this time on its second reading:

CSSB 1826, Relating to the definition in the open meetings law of the term "deliberation."

The motion prevailed.

Senators Patrick and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Patrick, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1826 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1826** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Patrick, Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2014 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2014** at this time on its second reading:

CSHB 2014, Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 2014 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2014** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3000 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3000** at this time on its second reading:

HB 3000, Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3000 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3000** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 205 ON SECOND READING

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **HB 205** at this time on its second reading:

HB 205, Relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Patrick.

HOUSE BILL 205 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 205** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1485 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1485** at this time on its second reading:

CSSB 1485, Relating to the authority of a school district to implement a school bus monitoring system that records images, including images of vehicles that pass a stopped school bus; providing for the imposition of penalties.

The motion prevailed.

Senators Birdwell, Carona, Deuell, Duncan, Estes, Fraser, Harris, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 17, Nays 14.

Yeas: Davis, Ellis, Eltife, Gallegos, Hegar, Hinojosa, Lucio, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Deuell, Duncan, Estes, Fraser, Harris, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro.

HOUSE BILL 1401 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1401** at this time on its second reading:

HB 1401, Relating to who may participate in certain local option elections to prohibit or authorize the sale of alcoholic beverages.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1401 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1401** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1789 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **HB 1789** at this time on its second reading:

HB 1789, Relating to the payment of state funds directly to an entity that conducts a primary election under contract in certain counties.

The motion prevailed.

Senators Birdwell, Estes, Fraser, Nelson, Nichols, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Estes, Fraser, Nelson, Nichols, Patrick.

HOUSE BILL 1789 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1789** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Fraser, Nelson, Nichols, Patrick.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 848 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 848** at this time on its second reading:

CSHB 848, Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.

The bill was read second time.

Senator Birdwell, on behalf of Senator Ogden, offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 848** (senate committee printing) by adding new SECTION 2 (page one, between lines 24 and 25) to read as follows and renumbering subsequent SECTIONS appropriately:

SECTION 2. Subsection (c), Section 34.002, Family Code, is amended to read as follows:

(c) An authorization agreement under this chapter does not confer on a relative of the child listed in Section 34.001 or a relative or other person with whom the child is placed under a child safety placement agreement the right to authorize the performance of an abortion on the child or the administration of emergency contraception to the child.

The amendment to **CSHB 848** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 848 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 848 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 848** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**(President Pro Tempore Ogden in Chair)
HOUSE BILL 1254 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1254** at this time on its second reading:

HB 1254, Relating to consideration of the consolidation of school district employment of peace officers and security personnel in certain counties.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1254 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1254** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3487 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3487** at this time on its second reading:

HB 3487, Relating to regulations concerning certain service animals; providing a criminal penalty.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3487** (senate committee printing) in SECTION 1 of the bill by striking added Section 106.004, Business & Commerce Code (page 2, lines 3-7), and substituting the following:

Sec. 106.004. CIVIL PENALTY. The owner or operator of a commercial lodging establishment or restaurant that violates Section 106.002 is liable for a civil penalty in an amount not to exceed \$200 for each violation.

The amendment to **HB 3487** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3487 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3487 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3487** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2403 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 2403** at this time on its second reading:

HB 2403, Relating to retailers engaged in business in this state for purposes of sales and use taxes.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell.

HOUSE BILL 2403 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2403** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 328 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 328** at this time on its second reading:

HB 328, Relating to information provided to a person applying for a state tax permit or license.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 328 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 328** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1450 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1450** at this time on its second reading:

HB 1450, Relating to a study regarding tort liability arising from a volunteer's operation of a Parks and Wildlife Department vehicle.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1450 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1450** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2936 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2936** at this time on its second reading:

HB 2936, Relating to the administration of district courts in Bexar County.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2936 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2936** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1286 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1286** at this time on its second reading:

HB 1286, Relating to adoption of rules by the University Interscholastic League.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1286** (senate committee report) as follows:

Amend Sec. 33.0831 of the Texas Education Code by adding new subsections (e) and (f) to read as follows:

(e) The University Interscholastic League may not impose a fee or charge to any person, organization, or school district for services being provided by a statewide association.

(f) Notwithstanding any other law, a school district shall not be subject to any rule or decision by an interscholastic league regarding the hiring or employment of a person, other than coaches or assistant coaches, by the school district.

The amendment to **HB 1286** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1286** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 33.091(d), Education Code, is amended to read as follows:

(d) The league shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids in the students' bodies. The testing program may be administered only if funds are available as provided by Subsection (f) and must:

(1) require the random testing of ~~[a statistically significant number of]~~ high school students in this state who participate in athletic competitions sponsored or sanctioned by the league;

(2) provide for the selection of specific students described by Subdivision (1) for testing through a process that randomly selects students ~~[from a single pool consisting of all students]~~ who participate in any activity for which the league sponsors or sanctions athletic competitions;

(3) be administered at a statistically significant number ~~[approximately 30 percent]~~ of the high schools in this state that participate in athletic competitions sponsored or sanctioned by the league;

(4) provide for a process for confirming any initial positive test result through a subsequent test conducted as soon as practicable after the initial test, using a sample that was obtained at the same time as the sample used for the initial test;

(5) require the testing to be performed only by an anabolic steroid testing laboratory with a current certification from the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services, the World Anti-Doping Agency, or another appropriate national or international certifying organization; and

(6) provide for a period of ineligibility from participation in an athletic competition sponsored or sanctioned by the league for any student with a confirmed positive test result or any student who refuses to submit to random testing.

The amendment to **HB 1286** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 1286** (senate committee report) by inserting into the bill the following appropriately numbered new SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0832 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES OTHER THAN FOOTBALL OR BASKETBALL. (a) In this section, "private school" has the meaning assigned by Section 39.033(d).

(b) The University Interscholastic League shall provide private and parochial schools with equal opportunity to become members of the league for the purpose of providing their students with access to league activities other than football or basketball.

(c) This section does not exempt a private or parochial school or its students from satisfying each rule or eligibility requirement imposed by this subchapter or the league for participating in an activity or league district sponsored by the league.

(d) A private or parochial school seeking to participate in a league activity or to become a member of a league district shall apply to the league on a signed form prescribed by the league. The school must certify its eligibility under this subchapter and league rules in the application and must attach proof of accreditation. The league may not impose eligibility requirements for private or parochial schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(e) The league shall determine the appropriate league district in which an eligible private or parochial school will participate using the same standard the league applies to public schools, provided that the private or parochial school may not be placed in a league district lower than the 1A level.

(f) The league shall adopt rules that prohibit an eligible private or parochial school from recruiting any student to attend the school for the purpose of participating in a league activity. A rule adopted under this subsection may not discriminate against an eligible private or parochial school.

(g) To be eligible under this section, a private or parochial school must:

(1) be accredited by an accrediting organization recognized by the agency;

(2) not have had its ability or eligibility to participate in an association similar to the league compromised, revoked, or suspended for violating the rules or codes of that association within the five-year period preceding the date of application to participate in the league;

(3) offer a four-year high school curriculum;

(4) offer interscholastic competition; and

(5) require daily student attendance at a specific location.

(h) Nothing in this section affects the right of a private school participating in league activities during the 2010-2011 school year to continue participating in league activities in subsequent school years in a manner comparable to the school's participation during the 2010-2011 school year.

(i) Notwithstanding any other provision of this section, but subject to Subsection (h), the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities, other than football or basketball, at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities, other than football or basketball, at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities, other than football or basketball, at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities, other than football or basketball, at the 5A league district level beginning with the 2014-2015 school year.

(j) Subsection (i) and this subsection expire September 1, 2015.

The amendment to **HB 1286** was read and was adopted by the following vote: Yeas 28, Nays 2, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Uresti.

Present-not voting: Van de Putte.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1286 as amended was passed to third reading by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1286 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1286** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2002 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2002** at this time on its second reading:

HB 2002, Relating to the county ethics commission for certain counties.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2002 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2002** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MOTION IN WRITING

Senator Seliger offered the following Motion In Writing:

Mr. President:

I move the adoption of the following procedures to govern consideration of C.S.S.B. 31, the Senate redistricting bill:

(a) No original amendment is eligible for consideration unless 35 copies of an amendment packet prepared by the Texas Legislative Council (TLC) has been filed with the calendar clerk. The amendment packet is not required to contain a textual description of the amendment but must include:

(1) maps as prepared by TLC indicating the changes made by the amendment; and

(2) standard reports for the amendment prepared by TLC that indicate population, voter data, and incumbent locations for the districts affected by the amendment.

(b) An amendment packet for each amendment that will be offered during second reading consideration of the bill must be filed with the calendar clerk by 7 p.m. on Monday, May 16.

SELIGER

The Motion In Writing was read and was adopted without objection.

SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Administration might meet today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider **HB 1951** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider **HB 397** today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:37 p.m. agreed to adjourn, in memory of Vivia Halbert, upon completion of the introduction of bills and resolutions on first reading, the receipt of Messages from the House, and committee reports, until 11:00 a.m. Monday, May 16, 2011.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Friday, May 13, 2011 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 9 Branch
Relating to student success-based funding for and reporting regarding public institutions of higher education.

HB 142 Laubenberg
Relating to the practice of psychological associates.

HB 1119 Weber
Relating to the maintenance tax rate of the Brazoria County Conservation and Reclamation District Number Three.

- HB 1241** Zedler
Relating to surety bond requirements for reserve deputy constables.
- HB 1745** Coleman
Relating to the authority of certain municipalities to impose term limits on the members of their governing bodies.
- HB 1897** Flynn
Relating to the jurisdiction of, number of jurors in, and the clerk serving the County Court at Law of Van Zandt County.
- HB 2104** Jackson, Jim
Relating to the amount of the bond for county taxes required to be given by the county assessor-collector for certain counties.
- HB 2169** Aycock
Relating to the authority of the governing body of a taxing unit to rescind a discount for early payment of ad valorem taxes.
- HB 3199** Cain
Relating to the repeal of requirements and penalties related to the grading of roses.
- HB 3352** Smith, Wayne
Relating to the sale of park land owned by certain municipalities.
- HB 3371** King, Susan
Relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.
- HB 3423** Lozano
Relating to certain criminal offenses committed in relation to a federal special investigator; providing criminal penalties.
- HB 3486** Taylor, Van
Relating to municipal regulation of dogs used for search and rescue or law enforcement purposes.
- HB 3488** Menendez
Relating to the requirements for demonstrating eligibility for an ad valorem tax exemption for the residence homestead of an elderly or disabled person.
- HB 3578** Gonzales, Larry
Relating to clarification of the authorized uses for loans under public institution of higher education emergency loan programs.
- HB 3579** Gonzales, Larry
Relating to repayment assistance for certain physician education loans.
- HB 3580** Frullo
Relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces.
- HB 3813** Isaac
Relating to the Hudson Ranch Fresh Water Supply District No. 1.
- HB 3829** Anderson, Charles "Doc"
Relating to gifts and donations to the McLennan County Juvenile Board.

- HB 3837** Isaac
Relating to the designation of a portion of U.S. Highway 183 as the Cpl. Jason K. LaFleur Memorial Highway.
- HB 3840** Parker
Relating to the extension of the deadline for holding the confirmation and initial directors' election of the Tradition Municipal Utility District No. 2 of Denton County.
- HB 3843** Thompson
Relating to excluding certain territory from the Harris County Road Improvement District No. 2.
- HB 3844** Aycock
Relating to the creation of criminal law magistrates for Burnet County.
- HB 3849** Taylor, Larry
Relating to the powers and duties of the Galveston County Municipal Utility District No. 6.
- HB 3852** Pitts
Relating to the creation of the Midlothian Municipal Management District No. 2; providing authority to impose a tax, levy an assessment, and issue bonds.
- HB 3856** Naishtat
Relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Travis County.
- HB 3858** Thompson
Relating to the jurisdiction of a county criminal court at law in Harris County.
- HB 3859** Laubenberg
Relating to the creation of the Club Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.
- HB 3862** Smith, Wayne
Relating to temporary directors and the continuation in existence of the Harris County Municipal Utility District No. 510.
- HCR 55** Flynn
Designating Canton as the official Home of the World Famous First Monday Trade Days.
- HCR 83** Pitts
Redesignating the Lake Whitney area as the Getaway Capital of Texas.
- HCR 117** Parker
Designating Roanoke as the Unique Dining Capital of Texas.
- HCR 130** Button
Designating the city of Richardson as the official International Business Capital of North Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 9** to Committee on Higher Education.
- HB 13** to Committee on Health and Human Services.
- HB 14** to Committee on Economic Development.
- HB 36** to Committee on Criminal Justice.
- HB 142** to Committee on Health and Human Services.
- HB 242** to Committee on Criminal Justice.
- HB 351** to Committee on Criminal Justice.
- HB 738** to Committee on State Affairs.
- HB 748** to Committee on Criminal Justice.
- HB 1043** to Committee on Criminal Justice.
- HB 1119** to Committee on Natural Resources.
- HB 1205** to Committee on Criminal Justice.
- HB 1241** to Committee on Criminal Justice.
- HB 1528** to Committee on State Affairs.
- HB 1576** to Committee on Finance.
- HB 1580** to Committee on Business and Commerce.
- HB 1689** to Committee on Health and Human Services.
- HB 1728** to Committee on Government Organization.
- HB 1745** to Committee on Intergovernmental Relations.
- HB 1776** to Committee on State Affairs.
- HB 1784** to Committee on Veteran Affairs and Military Installations.
- HB 1799** to Committee on Business and Commerce.
- HB 1871** to Committee on State Affairs.
- HB 1872** to Committee on State Affairs.
- HB 1886** to Committee on Finance.
- HB 1897** to Committee on Jurisprudence.
- HB 1960** to Committee on Transportation and Homeland Security.
- HB 1994** to Committee on Criminal Justice.
- HB 2006** to Committee on Criminal Justice.
- HB 2104** to Committee on Intergovernmental Relations.
- HB 2136** to Committee on Health and Human Services.
- HB 2169** to Committee on Finance.
- HB 2194** to Committee on State Affairs.
- HB 2233** to Committee on Education.
- HB 2382** to Committee on Business and Commerce.
- HB 2460** to Committee on Open Government.
- HB 2470** to Committee on Transportation and Homeland Security.
- HB 2589** to Committee on State Affairs.
- HB 2592** to Committee on Business and Commerce.
- HB 2649** to Committee on Criminal Justice.
- HB 2728** to Committee on State Affairs.
- HB 2975** to Committee on Health and Human Services.

HB 2982 to Committee on Business and Commerce.
HB 3199 to Committee on Agriculture and Rural Affairs.
HB 3326 to Committee on Finance.
HB 3328 to Committee on Natural Resources.
HB 3341 to Committee on Economic Development.
HB 3352 to Committee on Intergovernmental Relations.
HB 3371 to Committee on Health and Human Services.
HB 3423 to Committee on Transportation and Homeland Security.
HB 3486 to Committee on Criminal Justice.
HB 3488 to Committee on Finance.
HB 3578 to Committee on Higher Education.
HB 3579 to Committee on Higher Education.
HB 3580 to Committee on Veteran Affairs and Military Installations.
HB 3813 to Committee on Intergovernmental Relations.
HB 3829 to Committee on Criminal Justice.
HB 3837 to Committee on Transportation and Homeland Security.
HB 3840 to Committee on Intergovernmental Relations.
HB 3843 to Committee on Transportation and Homeland Security.
HB 3844 to Committee on Jurisprudence.
HB 3849 to Committee on Intergovernmental Relations.
HB 3852 to Committee on Intergovernmental Relations.
HB 3856 to Committee on Jurisprudence.
HB 3858 to Committee on Jurisprudence.
HB 3859 to Committee on Intergovernmental Relations.
HB 3862 to Committee on Intergovernmental Relations.
HCR 55 to Committee on Administration.
HCR 83 to Committee on Administration.
HCR 117 to Committee on Administration.
HCR 130 to Committee on Administration.
HJR 48 to Committee on Finance.

CO-AUTHOR OF SENATE BILL 1871

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 1871**.

CO-SPONSOR OF HOUSE BILL 1615

On motion of Senator Ogden, Senator Nelson will be shown as Co-sponsor of **HB 1615**.

CO-SPONSOR OF HOUSE BILL 2170

On motion of Senator Davis, Senator Uresti will be shown as Co-sponsor of **HB 2170**.

CO-SPONSOR OF HOUSE BILL 2403

On motion of Senator West, Senator Davis will be shown as Co-sponsor of **HB 2403**.

CO-SPONSORS OF HOUSE CONCURRENT RESOLUTION 18

On motion of Senator Shapiro, Senators Carona, Eltife, Estes, Harris, Hegar, Nichols, Patrick, Wentworth, and Williams will be shown as Co-sponsors of **HCR 18**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 985 by Uresti, In memory of Anthony Nicholas of San Antonio.

SR 1000 by Lucio, In memory of Jesus "Jesse" Morales.

Congratulatory Resolutions

SR 984 by Jackson, Recognizing the Space Center Intermediate Band for being awarded the Sudler Cup by the John Philip Sousa Foundation.

SR 987 by Ellis, Recognizing Greater Law Memorial Church of God in Christ on the occasion of its Annual Health Fair and May Fest.

SR 992 by Davis, Recognizing the Commercial Real Estate Women Network for its advocacy on behalf of professional women in Fort Worth.

SR 993 by Shapiro, Commending H. John Fuller for his service to the Wylie Independent School District.

Official Designation Resolution

HCR 127 (Watson), Designating the year 2012 as the Lady Bird Johnson Centennial Year.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 5:42 p.m. adjourned, in memory of Vivia Halbert, until 11:00 a.m. Monday, May 16, 2011.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 13, 2011

INTERGOVERNMENTAL RELATIONS — **CSSB 1913, CSSB 1914, CSSB 1916, CSHB 1057, HB 364, HB 969, HB 1110, HB 1694, HB 2007, HB 1383, HB 1379, HB 1144, HB 2162, CSHB 2716, CSHB 2857, CSSB 1915**

HEALTH AND HUMAN SERVICES — **CSHB 3531, CSSB 1756**

ECONOMIC DEVELOPMENT — **HB 990, HB 1178, HB 1245, HB 1643, HB 2579, HB 3302, HB 3465, HB 2853, HB 1711**

HEALTH AND HUMAN SERVICES — **CSHB 2609, CSHB 273**

OPEN GOVERNMENT — **HB 2538, HB 2978**

STATE AFFAIRS — **HB 1772, HB 3270, HB 1678, HB 1135, HCR 18**

HEALTH AND HUMAN SERVICES — **HB 123, HB 1481, HB 1854, HB 1983, HB 2061, HB 2069, HB 2286, HB 2312, HB 2370, HB 3051, HB 3146, HB 3336, HB 3547**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 1127**

STATE AFFAIRS — **CSHB 3033**

NATURAL RESOURCES — **HB 3272, HB 1403, HB 2826, HB 3818, HB 2280**

TRANSPORTATION AND HOMELAND SECURITY — **HB 423, HB 555, HB 1353, HB 3208, HB 1148**

INTERGOVERNMENTAL RELATIONS — **CSHB 2869**

HEALTH AND HUMAN SERVICES — **CSSB 1021**

REDISTRICTING — **CSSB 31, HB 150**

GOVERNMENT ORGANIZATION — **HB 1774, HB 1495, HB 265**

HEALTH AND HUMAN SERVICES — **CSHB 2636**

OPEN GOVERNMENT — **CSSB 677**

ECONOMIC DEVELOPMENT — **CSHB 1040**

STATE AFFAIRS — **CSHB 417**

HEALTH AND HUMAN SERVICES — **CSSB 1790, CSHB 788**

BILLS AND RESOLUTION ENGROSSED

May 12, 2011

SB 270, SB 516, SB 578, SB 1164, SB 1175, SB 1402, SB 1441, SB 1572, SB 1643, SB 1787, SB 1843, SB 1926, SJR 14

BILLS AND RESOLUTIONS ENROLLED

May 12, 2011

SB 279, SB 551, SB 1505, SCR 45, SCR 46, SCR 52, SJR 28, SR 892, SR 909, SR 967, SR 970, SR 971, SR 972, SR 973, SR 974, SR 975, SR 976, SR 977, SR 978, SR 979, SR 980, SR 981, SR 982, SR 983

SIGNED BY GOVERNOR

May 12, 2011

**SB 396, SB 398, SB 410, SB 423, SB 539, SB 646, SB 693, SB 785, SB 894,
SB 1269**

In Memory

of

Vivia Halbert**Senate Resolution 513**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Vivia Halbert, who died February 19, 2011, at the age of 64; and

WHEREAS, Vivia Halbert was born July 11, 1946, in Selma, California, to William Avery and Wilma Jean Gilbert; she attended Baylor University from 1964 through 1967; and

WHEREAS, Mrs. Halbert used her love of creative sewing and embroidery to forge a fulfilling career at Judy's Stitchery Nook in Harlingen; she was a member of the Tip of Texas Embroiderer's Guild of America, the Frontera Quilt Guild, Incorporated, Fancy Stitchers, Wooly Bee, the Bag Ladies, and the Sassy Seamers; and

WHEREAS, A woman of courage, strength, and generosity, she gave unselfishly to others, and her wisdom, warmth, and enthusiasm for living each day to the fullest will not be forgotten; and

WHEREAS, She was a devoted wife, mother, and grandmother, and she leaves behind memories that will be treasured forever by her family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Vivia Halbert: her husband, Wayne Morris Halbert; her children, Deana Halbert Everett, Stephen Halbert, Shirley Scarborough, and Kevin Halbert; her brother, Geary Gilbert; and her grandchildren, Stephen James Everett and Vivia Joann Everett; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Vivia Halbert.

LUCIO

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIRST DAY

(Monday, May 16, 2011)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Jacqueline Baker Hammett, Hyde Park Christian Church, Austin, offered the invocation as follows:

Gracious and loving God, we come before You at this time and in this place, praying for Your holy presence to surround, support, and uplift those assembled here today. This session is drawing to a close, O God, and many of these, Your servants, many of these, Your children, are tired. They carry a heavy burden, O God, the weight and needs of many peoples and constituencies rest upon their shoulders. And so, we pray that they may be graced with Your wisdom, we pray that they may be inspired by Your light, we pray that they may be guided by Your love for all people. Bless each and every person that works as a public servant for truly this is a calling. Renew their commitment to work together for the greatest good. Refresh their hearts that they may serve with compassion. Restore their faith in what is good and just and honorable and true. Inspire all of us to remember the responsibility and privilege of service. Keep us ever mindful that life is a gift and every day and every moment matters. So let us live with purpose and intent. Help us to find common ground. Guide us to seek a common goal and identify a common good. Motivate us to see all faces and hear all voices. May our choices, our work, our words, and our actions leave a positive legacy that both honors the past and touches the future. May future generations look to us as an example of unity and constructive cooperation. May our children see in us examples of peace and reconciliation. With humble hearts then, let us serve. With gracious and gentle spirits, let us

work together. With mindful and caring intent, let us seek the well-being of all those people, Your people, our people, all people that we are called to serve. We pray all these things in a spirit of love and service. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 16, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 19 Riddle
Relating to the prosecution and punishment of a person operating a motor vehicle without a license.

HB 25 Guillen
Relating to the carrying of certain weapons in a watercraft.

HB 31 Guillen
Relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

HB 51 Lucio III
Relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain buildings and facilities of institutions of higher education.

HB 96 Fletcher
Relating to the exclusion of certain witnesses during a criminal proceeding.

HB 159 Raymond
Relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

HB 161 Raymond
Relating to the dissemination of criminal history record information by the Department of Public Safety concerning certain intoxication offenses.

HB 167 Raymond
Relating to the transportation of certain mental health patients.

- HB 189** Smith, Todd
Relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.
- HB 197** Solomons
Relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal penalty.
- HB 230** Phillips
Relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.
- HB 254** Hilderbran
Relating to establishing the Texas Derbies.
- HB 278** Alonzo
Relating to pretrial hearings in criminal cases.
- HB 326** Guillen
Relating to the reporting requirements of, and certain unfunded mandates related to the functions of, a state agency that is undergoing review by the Sunset Advisory Commission.
- HB 359** Allen
Relating to discipline in public schools, including the use of corporal punishment and the prosecution of certain children for school-related offenses.
- HB 427** Driver
Relating to the creation of the Rowlett Waterfront Entertainment Management District; providing authority to impose a tax, levy an assessment, and issue bonds.
- HB 452** Lucio III
Relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services.
- HB 550** Dutton
Relating to an exemption to the requirement for a fishing license for residents of a certain age.
- HB 599** Jackson, Jim
Relating to the release of certain criminal history record information subject to an order of nondisclosure.
- HB 629** Pickett
Relating to the use of municipal or county sales tax increment financing for a transportation reinvestment zone.
- HB 677** Lucio III
Relating to cognitive-linguistic or neurocognitive assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.
- HB 680** Schwertner
Relating to complaints filed with the Texas Medical Board.

- HB 695** Allen
Relating to the establishment of a program for the collection, transportation, recycling, and disposal of mercury-added thermostats.
- HB 720** Hartnett
Relating to the designation of a person as a vexatious litigant.
- HB 737** Otto
Relating to the East Montgomery County Improvement District.
- HB 804** Lewis
Relating to the offense of illegal voting by a person who is not a United States citizen.
- HB 875** Howard, Charlie
Relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.
- HB 882** Alvarado
Relating to the creation of an offense prohibiting certain transactions involving malt liquor containing certain stimulants.
- HB 892** Howard, Charlie
Relating to the creation of the offense of unlawful transport of an illegal alien.
- HB 940** Dukes
Relating to certain educator misconduct; imposing a penalty.
- HB 963** Hartnett
Relating to the costs associated with proceedings regarding cruelly treated animals.
- HB 995** Gutierrez
Relating to provision by the secretary of state of notice to a candidate of the form of the candidate's name that will appear on the general election ballot.
- HB 1036** Legler
Relating to eligibility to file a sworn complaint with the Texas Ethics Commission.
- HB 1046** Fletcher
Relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of attorney general.
- HB 1122** Weber
Relating to the trafficking of persons.
- HB 1129** Kolkhorst
Relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.
- HB 1234** Miller, Doug
Relating to the authority of certain counties to impose a county hotel occupancy tax.
- HB 1244** Castro
Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

- HB 1250** Frullo
Relating to the use of facsimile signatures for certain documents involving certain municipalities.
- HB 1363** McClendon
Relating to the transfer of permit procedures and enforcement related to oversize and overweight vehicles from the Texas Department of Transportation to the Texas Department of Motor Vehicles.
- HB 1386** Coleman
Relating to the public health threat presented by youth suicide.
- HB 1408** Flynn
Relating to combination resident hunting and fishing licenses for military personnel.
- HB 1429** Deshotel
Relating to rights and remedies of certain residential tenants; providing civil penalties.
- HB 1476** Riddle
Relating to the grounds for revocation of an emergency medical services personnel certification.
- HB 1544** Hunter
Relating to the design of specialty license plates issued to members and former members of the United States armed forces.
- HB 1547** Larson
Relating to the desired future conditions of groundwater resources within groundwater management areas.
- HB 1563** Flynn
Relating to the period of time between certain local option elections to legalize or prohibit the sale of alcoholic beverages.
- HB 1608** Strama
Relating to participation in and contributions to the state employee charitable campaign by retired state employees.
- HB 1646** Gallego
Relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty.
- HB 1681** Harless
Relating to the composition of the Finance Commission of Texas.
- HB 1793** Gutierrez
Relating to the practice of cosmetology.
- HB 1856** Woolley
Relating to the prosecution of and punishment for the offense of tampering with a witness.
- HB 1921** Pickett
Relating to the composition of a board of directors of a regional mobility authority created by a municipality.

- HB 1937** Simpson
Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.
- HB 1969** Christian
Relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.
- HB 2032** Darby
Relating to performance and payment security for certain comprehensive development agreements.
- HB 2060** Pena
Relating to the confidentiality of certain information regarding state election inspectors.
- HB 2089** Smithee
Relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program.
- HB 2093** Thompson
Relating to the operation and regulation of certain consolidated insurance programs.
- HB 2119** Madden
Relating to the requirement that the Texas Correctional Office on Offenders with Medical or Mental Impairments provide certain services and programs.
- HB 2120** Miller, Doug
Relating to the composition of the board of trustees of the Teacher Retirement System of Texas.
- HB 2292** Hunter
Relating to payment of claims to pharmacies and pharmacists.
- HB 2338** Paxton
Relating to the posting on the Internet by the county assessor-collector of information regarding ad valorem tax rates.
- HB 2357** Pickett
Relating to motor vehicles; providing penalties.
- HB 2365** Eissler
Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.
- HB 2369** Quintanilla
Relating to the accreditation of training programs and examinations for certain emergency medical services personnel.
- HB 2380** Shelton
Relating to employment by school districts of certain persons under probationary contracts.

- HB 2383** Geren
Relating to a study regarding the reenactment of the franchise tax credit or providing other incentives for certain research and development activities.
- HB 2408** Darby
Relating to the regulation of the title insurance industry.
- HB 2417** Flynn
Relating to the Texas Code of Military Justice.
- HB 2443** Price
Relating to the offense of remaining, parking vehicles, or erecting structures on certain state property.
- HB 2446** Allen
Relating to the release of confidential physician-patient communications in certain circumstances.
- HB 2449** Aliseda
Relating to the illegal possession of another person's ballot to be voted by mail.
- HB 2493** Torres
Relating to authorizing enterprise project half designations and quarter designations under the enterprise zone program.
- HB 2496** Gonzalez, Naomi
Relating to creating a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases.
- HB 2507** Chisum
Relating to the offense of installing an irrigation system without a license.
- HB 2525** Harper-Brown
Relating to a mechanic's, contractor's, or materialman's lien for landscaping.
- HB 2560** Sheffield
Relating to transporting a foster child in a vehicle where a handgun is in the possession of a foster parent licensed to carry a concealed handgun.
- HB 2594** Truitt
Relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.
- HB 2603** Smithee
Relating to the distribution of universal service funds to certain small and rural local exchange companies.
- HB 2688** Lucio III
Relating to tuition and scholarships and fee exemptions for certain members of the armed services and certain military veterans attending institutions of higher education.
- HB 2722** Perry
Relating to the state Medicaid program as the payor of last resort.

- HB 2729** Callegari
Relating to local government contracts with private entities for civil works projects and improvements to real property.
- HB 2788** Laubenberg
Relating to the donation of blood by persons who are at least 16 years of age.
- HB 2819** King, Susan
Relating to the operation and efficiency of the eligibility determination process for supplemental nutrition assistance program benefits.
- HB 2884** Solomons
Relating to coordinated county transportation authorities; creating an offense.
- HB 2917** McClendon
Relating to the optional county fee in certain counties for the county road and bridge fund.
- HB 2931** Woolley
Relating to certain debt cancellation agreements made in connection with retail installment contracts.
- HB 2990** Deshotel
Relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.
- HB 3018** Gutierrez
Relating to a policy of a school district concerning possession or use of a telecommunications device by a student.
- HB 3030** McClendon
Relating to the funding of projects in the boundaries of certain intermunicipal commuter rail districts.
- HB 3064** King, Phil
Relating to preventing the fraudulent issuance and use of disabled parking placards; providing a civil penalty.
- HB 3123** Thompson
Relating to codifying federal foster care funding requirements to locate and provide information to relatives and other adults following the removal of a child by the Department of Family and Protective Services, and court findings regarding those efforts.
- HB 3167** Callegari
Relating to the abolishment of the state regulation of talent agencies and personnel services.
- HB 3172** Gonzalez, Naomi
Relating to protective orders.
- HB 3237** Hernandez Luna
Relating to the establishment and operation of the Texas Women Veterans Program.
- HB 3268** Lyne
Relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.

- HB 3275** Coleman
Relating to the operation and governance of tax increment financing reinvestment zones.
- HB 3320** Hunter
Relating to costs related to the towing and storage of a motor vehicle for certain law enforcement purposes.
- HB 3324** McClendon
Relating to the operations and monitoring of fusion centers in this state.
- HB 3390** Lavender
Relating to money allocated under the federal-aid highway program.
- HB 3410** Smithee
Relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions.
- HB 3422** Lozano
Relating to the use of auction proceeds from the sale of abandoned motor vehicles, watercraft, or outboard motors to compensate certain property owners.
- HB 3439** Raymond
Relating to missing children; providing a criminal penalty.
- HB 3453** Anchia
Relating to the regulatory authority of the consumer credit commissioner.
- HB 3461** Margo
Relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.
- HB 3462** Margo
Relating to the board of hospital managers of the El Paso County Hospital District.
- HB 3474** Gallego
Relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.
- HB 3542** Gonzales, Larry
Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.
- HB 3589** Hancock
Relating to claim-handling deadlines in the event of certain weather-related catastrophes or natural disasters.
- HB 3597** Larson
Relating to the powers and duties of certain public improvement districts operated by counties.
- HB 3611** Truitt
Relating to the administration of medication for persons with intellectual and developmental disabilities.

- HB 3624** Hochberg
Relating to the eligibility of educational aides for tuition exemptions at public institutions of higher education.
- HB 3691** Gallego
Relating to the provision by certain judges or community supervision and corrections departments of certain programs and services, including certain pretrial programs and services, and to the imposition of certain sanctions against defendants supervised by those departments.
- HB 3696** Gallego
Relating to concurrent state and federal jurisdiction over units of the national park system in this state.
- HB 3746** Frullo
Relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.
- HB 3747** McClendon
Relating to the selection of and requirements for serving as a member of the board of trustees of the Teacher Retirement System of Texas.
- HB 3754** Hilderbran
Relating to powers and duties of the Office of Public Utility Counsel to represent residential and small commercial consumers in certain water or sewer utility service matters before the Texas Commission on Environmental Quality.
- HB 3812** Howard, Charlie
Relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds.
- HB 3833** Phillips
Relating to the adoption of a uniform collaborative law Act in regard to family law matters.
- HB 3841** Martinez, "Mando"
Relating to the designation of a portion of Farm-to-Market Road 907 in Hidalgo County as Rudy Villarreal Road.
- HB 3842** Callegari
Relating to the creation of the Bridgeland Management District; providing authority to levy an assessment, impose a tax, and issue bonds.
- HB 3845** Sheffield
Relating to the powers of the CLL Municipal Utility District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.
- HB 3861** Craddick
Relating to the creation of the Midland County Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 100

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The Texas State University System, the oldest and third-largest system of higher education in Texas, is celebrating its centennial in 2011; and

WHEREAS, Created by the Texas Legislature in 1911, the system originally brought together Sam Houston Normal Institute, in Huntsville; North Texas State Normal College, in Denton; Southwest Texas State Normal School, in San Marcos; and West Texas State Normal College, in Canyon; oversight of the system was vested in a group known as the State Normal School Board of Regents; and

WHEREAS, Over the years, the system has evolved dramatically; component institutions were renamed state teachers colleges in 1923, and they subsequently composed what was known as the State Senior College System; renamed the Texas State University System in 1975, the network now encompasses eight institutions: Sam Houston State University, Texas State University–San Marcos, Sul Ross State University, Sul Ross State University–Rio Grande College, Lamar University, Lamar Institute of Technology, Lamar State College–Orange, and Lamar State College–Port Arthur; and

WHEREAS, Each of the institutions in the Texas State University System carries the name of, or is closely associated with, a Texas hero—Sam Houston, statesman, commander of the Texas Army, first and third president of the Republic of Texas, and governor of Texas; Mirabeau Lamar, widely recognized as the Father of Texas Education and the second president of the Republic of Texas; Lawrence Sullivan Ross, Civil War veteran, general, governor, and president of the Agricultural and Mechanical College of Texas; and Lyndon Baines Johnson, 1930 graduate of Southwest Texas State Teachers College at San Marcos and 36th president of the United States of America; and

WHEREAS, Today, every school in the system is facing an increased demand for its services, with overall enrollment growing at a faster rate than the state's population; the number of students registered collectively in system institutions rose by 4.8 percent between the fall semesters of 2009 and 2010, reaching nearly 76,000; to accommodate those students, the system and its component institutions employ over 15,000 faculty and staff; and

WHEREAS, Campuses of the Texas State University System are located across the state, and each boasts a distinctive character and its own unique strengths; together, the schools' myriad offerings range from industrial certification to doctoral degrees, and a number of their programs have achieved national prominence; some of the schools are extensively engaged in research, and all put a premium on quality teaching; and

WHEREAS, Since its inception, the Texas State University System has enriched the lives of countless students, contributed to the advancement of human knowledge, and proved a powerful force for social progress and economic development in the Lone Star State; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby commemorate the centennial of the founding of the Texas State University System and honor all those associated with its member institutions for their commitment to academic excellence and public service; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the Texas State University System as an expression of high regard by the Texas House of Representatives and Senate.

ZAFFIRINI

HCR 100 was read.

On motion of Senator Zaffirini, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Texas State University System delegation: Board of Regents Chair Charlie Amato, Vice-chair Donna N. Williams, Regent Rossanna Salazar, Regent Jaime Garza, and Chancellor Brian McCall.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 45

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is pleased to recognize Otto P. Scharth on the occasion of his 88th birthday; and

WHEREAS, This distinguished gentleman served the nation with honor and distinction in the United States Army for 32 years, retiring with the rank of colonel; and

WHEREAS, Mr. Scharth enlisted in military service in 1943 and served as a combat infantryman in the European theater of operations during World War II; he went on to lead a special operations unit during the Huk Rebellion in the Philippines, to serve as a heavy weapons company commander in Korea, and to work as a senior logistics planner during the Vietnam War; and

WHEREAS, Following his retirement from the armed forces in 1975, he served as director of military affairs at the University of Mary Hardin-Baylor, where he worked with diligence and professionalism to ensure that soldiers and their family members could pursue a college education; and

WHEREAS, Mr. Scharth has been a leader in the Belton community, organizing and leading the Belton Kiwanis Club and the Fort Hood chapter of the Military Order of the World Wars; he has made numerous educational presentations in area high schools and before civic and church groups throughout the region; and

WHEREAS, A beloved and respected member of his community, he is known for his courage, his compassion for others, and his enthusiasm for living each day to the fullest; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby commend Otto P. Scharth on his exceptional service to the nation and state and extend to him best wishes for a memorable 88th birthday; and, be it further

RESOLVED, That a copy of this resolution be prepared for him as an expression of high regard from the Texas Legislature.

FRASER

SCR 45 was read.

On motion of Senator Fraser, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate Otto P. Scharth, Carole Jane Lamont, Joseph Lamont, and Elizabeth Ann Ingersoll.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator West was recognized and presented Dr. Thomas Shima of Dallas as the Physician of the Day.

The Senate welcomed Dr. Shima and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate an American Heart Association delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 866

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Amber Pickens, who has been accepted to The Juilliard School and awarded a fellowship with the Alvin Ailey American Dance Theater School for Summer Studies in New York; and

WHEREAS, A senior at Booker T. Washington High School for the Performing and Visual Arts in Dallas, Amber is the only dance or acting student admitted to The Juilliard School for the 2011-2012 academic year; she will study in the Dance Division's four-year bachelor of fine arts program, which also includes a liberal arts component; and

WHEREAS, Considered one of the most prestigious performing arts conservatories in the world, The Juilliard School offers its students the opportunity to join a community of accomplished performing artists from around the world in a challenging and rigorous educational setting; and

WHEREAS, Before beginning her career at The Juilliard School, Amber will participate in the Ailey Fellowship Program in New York this summer; this exceptional program embodies the standards and ideals of Alvin Ailey, one of the 20th century's foremost practitioners of dance and choreography; and

WHEREAS, Through the years, Amber has received numerous awards and citations for her work, including being named a Texas Young Master of the Arts by the Texas Commission on the Arts and a YoungArts 2011 Honorable Mention Winner by the National Foundation for Advancement in the Arts; she is truly deserving of recognition for her dedication and commitment to developing her talent; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Amber Pickens on her many outstanding achievements and extend to her congratulations on being accepted to The Juilliard School and receiving a fellowship from the Alvin Ailey American Dance Theater School; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of high regard from the Texas Senate.

SR 866 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Amber Pickens and her mother, Windsor Barbee.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate the Rising Star ISD debate team, accompanied by their coach and superintendent, Max Thompson.

The Senate welcomed its guests.

SENATE RESOLUTION 924

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the H-E-B Excellence in Education Awards program and the recipients of the 2011 Excellence in Education Awards; and

WHEREAS, Created in 2002, the H-E-B Excellence in Education Awards were established to honor outstanding public school professionals and to thank them for their dedication and commitment; and

WHEREAS, The awards honor one elementary school teacher and one high school teacher in each of three categories, based on length of service; they also honor one elementary school principal and one high school principal as well as one large and one small school district; in honor of the 10th annual awards, a new award category has been introduced; this year, 10 campuses are being recognized with the H-E-B Fit Campus Award; and

WHEREAS, H-E-B seeks to pay tribute to those educators and administrators who go the extra mile each and every day to serve their students and their communities and who inspire others to do the same; and

WHEREAS, The Excellence in Education Awards are designed to recognize educators who demonstrate exceptional commitment to student achievement by developing innovative programs, by bringing about increased parental and community involvement, or by creating professional development opportunities; and

WHEREAS, The Excellence in Education Awards are proud to recognize the outstanding efforts of Texas educators who are building the future of Texas by educating our next generation of leaders; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend H-E-B on its worthy program and congratulate the educators who have been selected as the 2011 recipients of the H-E-B Excellence in Education Awards and extend to all best wishes for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the H-E-B Excellence in Education Awards program and as an expression of esteem from the Texas Senate.

SR 924 was again read.

The resolution was previously adopted on Friday, May 6, 2011.

GUESTS PRESENTED

Senator Van de Putte, joined by Senators Davis, Lucio, Uresti, Wentworth, Whitmire, and Zaffirini, was recognized and introduced to the Senate the H-E-B Excellence in Education Awards program winners: Lindsay Richard, Nghia Le, Jimmie Lynn Walker, Rachelle Grace, Yolanda Fernandez, Galen Hoffstadt, David Gonzalez, and Harlandale ISD representatives.

The Senate welcomed its guests.

BIRTHDAY GREETINGS EXTENDED

Senator Watson was recognized and, on behalf of the Senate, extended birthday greetings to Senator Davis.

SENATE RESOLUTION 938

Senator Carona offered the following resolution:

SR 938, Congratulating the Lumbermen's Association of Texas on the occasion of its 125th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate a Lumbermen's Association of Texas delegation: 2011 President Rufus Duncan, 2010 President Robert Archer, and Executive Vice-president Barbara Douglas.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 198, SB 250, SB 279, SB 529, SB 551, SB 748, SB 758, SB 1024, SB 1107, SB 1478, SB 1505, SCR 45, SCR 46, SCR 52, SJR 28, HB 457, HB 564, HB 994, HB 1147, HB 1251, HB 1753, HB 2012, HB 2375, HB 2991, HB 3287, HCR 131, HCR 157.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:06 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1574 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1574** at this time on its second reading:

CSSB 1574, Relating to the use of money in a tax increment fund to pay costs related to public improvements used for social services programs that promote the development or redevelopment of a reinvestment zone.

The motion prevailed.

Senators Patrick and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Patrick, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 1574 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1574** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Patrick, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 1390 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1390** at this time on its second reading:

HB 1390, Relating to retainage under certain construction contracts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1390 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1390** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 555 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 555** at this time on its second reading:

CSSB 555, Relating to the regulation of LP-gas utility companies.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Nelson, Nichols, Patrick, Shapiro.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 555** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Title 3, Utilities Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. PROPANE GAS DISTRIBUTION SYSTEMS

CHAPTER 141. STANDARDS FOR DISTRIBUTION SYSTEM RETAILERS

Sec. 141.001. DEFINITIONS. In this chapter:

(1) "Distribution system retailer":

(A) means a retail propane dealer that owns or operates for compensation in this state equipment and facilities connected to a contiguous piping system through which propane gas is supplied to at least 10 residential end users and:

(i) has a Class E license issued by the Gas Services Division of the License and Permit Section of the railroad commission, or is an active company representative or operations supervisor on file with the Section; and

(ii) is a regular supplier or a potential regular supplier of propane to a consumer; and

(B) does not include a person that furnishes propane gas only to the person, to the person's employees, or to the person's tenants as an incident of employment or tenancy, if the service is not resold to commercial customers or other end users.

(2) "Railroad commission" means the Railroad Commission of Texas or the successor agency to that commission.

Sec. 141.002. APPLICABILITY. This chapter applies only to a distribution system retailer. This chapter does not apply to a traditional retail liquefied petroleum gas company that provides service in the service area.

Sec. 141.003. RATE AND FEE CEILINGS. (a) A distribution system retailer may not charge a customer during any given billing period a rate for gas that exceeds the actual average delivered price charged, excluding price specials and tank rental fees, for propane gas delivered to company-owned, individual propane tanks by traditional retail liquefied petroleum gas companies that provide service in the service area where the distribution system retailer is located. The actual average price must be determined using independent objective market surveys of liquefied petroleum gas prices quoted by traditional liquefied petroleum gas companies and charged in the ordinary course of business during the respective billing period. Each distribution system retailer each quarter shall supply the market surveys and report the gas rates the distribution system retailer charges to the railroad commission.

(b) For the following services or occurrences, a distribution system retailer may charge a fee not to exceed:

(1) \$12 a month as a recurring monthly fee to maintain an active gas service account with the distribution system retailer to be charged to a customer whose actual gas usage exceeds 99 gallons;

(2) \$17.50 a month as a recurring monthly fee to maintain an active service account with the distribution system retailer as long as the service address's gas usage history during the preceding 12-month period does not exceed 99 gallons;

(3) \$15 for a late payment received by the distribution system retailer, provided the bill was mailed or electronically transmitted 15 days prior to the date payment is due;

(4) \$25 to disconnect or terminate service from an active or delinquent account;

(5) \$65 for standard next available service for an active or delinquent account;

(6) \$125 for accelerated reconnect service;

(7) \$30 for a dishonored check that was received for a payment; and

(8) \$75 to initiate service to a new customer.

(c) The railroad commission by rule annually shall adjust the fee limits described by Subsection (b) upward or downward based on changes in the Consumer Price Index for All Urban Consumers in the State of Texas published by the Bureau of Labor Statistics of the United States Department of Labor each calendar year. The distribution system retailer's adjustment, if required, must be made not later than the later of September or the 45th day after the date the railroad commission gives notice of the change to the distribution system retailer.

(d) Nothing in this section limits a distribution system retailer's ability to pass through to a customer a new governmental fee, fee increase, or charge imposed on the retailer after September 1, 2011. Any fee, fee increase or charge passed through to a customer shall be listed as a separate item on a customer's bill.

Sec. 141.004. DISCONNECTION OF PROPANE GAS SERVICE. (a) A distribution system retailer may not disconnect propane gas service to a residential customer on a weekend day unless personnel of the distribution system retailer are available on that day to take payments and reconnect service.

(b) A distribution system retailer may not disconnect propane gas service to a residential customer during an extreme weather emergency, as defined by Section 104.258. The distribution system retailer shall defer collection of the full payment of bills that are due during an extreme weather emergency, as defined by Section 104.258, until after the emergency is over.

Sec. 141.005. CONTINUITY OF SERVICE. (a) A distribution system retailer shall make all reasonable efforts to prevent interruptions of service. When an interruption occurs, the distribution system retailer shall reestablish service within the shortest possible time consistent with prudent operating principles so that the smallest number of customers are affected.

(b) Excluding service interruptions for nonpayment, a distribution system retailer shall keep complete records of all emergency and scheduled service interruptions lasting greater than four hours in duration and affecting more than two customers. The records must describe the cause of each interruption, the date, length, location, approximate number of customers affected by the interruption, and, in the case of an emergency interruption, the remedy and steps taken to prevent a recurrence, if applicable. The distribution system retailer shall submit copies of the records to the railroad commission quarterly.

(c) The distribution system retailer shall notify the railroad commission in writing not later than 48 hours after an interruption in service that affects the entire system and lasts more than four hours caused by a Grade I leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous. The notice shall include the distribution system retailer's assessment of the cause of the interruption. A written report of a service interruption in another form, including a part of a safety report, is sufficient to comply with this subsection.

(d) The railroad commission shall establish a toll-free number to enable a customer of a distribution system retailer to notify the railroad commission of a service interruption that does not involve a refusal to serve under Section 141.006. The railroad commission shall immediately investigate the cause of the service interruption.

(e) To restore and maintain service, the railroad commission may assume temporary receivership of a system that experiences a service interruption that affects the entire system:

- (1) exceeding 48 hours in duration;
- (2) more than three times in one month; or

(3) that is the result of the distribution system retailer's failure to replenish the primary propane tank that is not caused by a general local market disruption or a restriction on wholesale propane supplies.

(f) The railroad commission may draw down all or part of the financial surety posted under Section 141.009, as required, to restore and maintain service under Subsection (e).

(g) If the railroad commission assumes temporary receivership of a system under Subsection (e), it shall notify the distribution system retailer and provide the distribution system retailer 72 hours to prepare and submit a plan to avoid continuing receivership.

(h) If a distribution system retailer's inability to fulfill its financial obligations is the cause of a service interruption described by Subsection (e), the railroad commission may delegate the operation of the system to a homeowners' association or municipal utility district until another distribution system retailer can assume control over the system or until a court in bankruptcy proceedings instructs otherwise.

Sec. 141.006. GROUNDS FOR REFUSAL TO SERVE. (a) A distribution system retailer may refuse service to an applicant if:

(1) an applicant fails to pay fees, advances, contributions, or deposits required for service under the distribution system retailer's policies;

(2) an applicant fails to furnish a service or meter location specified for service by the distribution system retailer;

(3) the existence or repeated creation of an unsafe condition, such as impaired meter access or a leak in the applicant's piping system, may potentially endanger life or property in the distribution system retailer's opinion;

(4) an applicant or service location owner is delinquent in payment for services provided by a distribution system retailer service location owner;

(5) another current resident of the premises to receive service is delinquent in payment for services provided by a distribution system retailer; or

(6) an applicant fails to adhere to an agreed payment plan.

(b) The right to refuse service ends when the cause for the refusal to serve is corrected.

Sec. 141.007. REASONABLE TIME TO BEGIN SERVICE. A distribution system retailer may delay providing service following an application or execution of an agreement for service for a reasonable amount of time considering required approvals or permits, the extent of the facilities to be built, and the distribution system retailer's workload at the time.

Sec. 141.008. CUSTOMER COMPLAINTS. (a) A distribution system retailer that receives a written complaint promptly and suitably shall investigate the complaint and advise the complainant of the results of the investigation. A distribution system retailer shall keep for at least three years after the final disposition of each complaint a record that includes each complainant's name and address, the date and nature of the complaint, and the adjustment or disposition of the complaint. A distribution system retailer is not required to keep a record of a complaint that does not require the distribution system retailer to take specific further action. A distribution system

retailer shall notify each complainant of the right to file a complaint with the railroad commission if the complainant is not satisfied by the distribution system retailer's resolution of the matter.

(b) On receipt of a complaint from the railroad commission on behalf of a customer, a distribution system retailer promptly and suitably shall investigate and notify the railroad commission and complainant of the results of the investigation. An initial response must be made not later than the third business day after the date the distribution system retailer receives the complaint electronically to up to two electronic addresses designated by the distribution system retailer. A distribution system retailer shall send a final and complete response to the railroad commission and complainant not later than the 15th day after the date the complaint was received, unless the railroad commission grants additional time before the expiration of the 15-day period.

(c) The railroad commission may impose sanctions on a distribution system retailer if, after an investigation, the railroad commission determines that the distribution system retailer has violated Section 141.003. Sanctions may include:

(1) ordering a distribution system retailer to refund the amounts of any overcharges to the distribution system retailer's customers; or

(2) drawing all or a portion of the financial surety for the purpose of refunding the amounts of any overcharges to the distribution system retailer's customers not refunded before the 61st day after the date the railroad commission orders a refund.

Sec. 141.009. PERFORMANCE GUARANTEE. (a) A distribution system retailer shall post, in favor of the railroad commission, financial surety in the form of a letter of credit or cash deposited with the railroad commission in an amount equal to the lesser of \$3 multiplied by the number of gallons of storage capacity in all of the systems operated by the distribution system retailer or \$100,000. The issuer of a letter of credit used to meet this requirement shall honor the letter of credit if the issuer receives from the railroad commission notice that the letter of credit is due and payable. The railroad commission may draw all or a portion of the financial surety.

(b) A distribution system retailer is exempt from posting the financial surety if, during the most recent five years:

(1) the distribution system retailer continuously has met the definition of distribution system retailer under Section 141.001;

(2) the distribution system retailer has not experienced a service interruption that would have allowed the railroad commission to place any system operated by the distribution system retailer in temporary receivership under Section 141.005(e) if that subsection had been in effect during that period; and

(3) the distribution system retailer has maintained the same or substantially similar ownership.

Sec. 141.010. MARKET SURVEY RULES. (a) The market survey described by Section 141.003(a) shall be conducted according to rules developed by the railroad commission under this chapter. The railroad commission, by rule, shall:

(1) limit the survey pool to traditional retail liquefied petroleum gas companies that provide service to an area not more than 10 miles from the distribution system retailer's system;

(2) determine the geographic area of the survey area where surveyed companies may be located in the event that fewer than six companies provide service to the service area;

(3) determine the appropriate survey sample size in the event that fewer than six companies provide service to an area;

(4) allow the distribution system retailer to determine the survey sample size provided the sample size includes a minimum of six companies;

(5) provide that the railroad commission and the distribution system retailer may each select half of the companies to be included in the survey and, if necessary, alternates to be included in the survey;

(6) require a survey to be conducted twice a month during the period from November to April and once a month during the period from March to December;

(7) require the survey quotes to include delivery amounts to be more than 100 gallons and not greater than 500 gallons during the period from November to April and less than 100 gallons during the period from May to October;

(8) prohibit a company from being surveyed twice in a seven-day period;
and

(9) require a survey company retained by a distribution system retailer to be a disinterested third party.

(b) A survey company shall conduct a survey once during each half of the month during the period from November to April. A survey company shall have discretion when to conduct a survey during that period.

(c) The railroad commission by rule may require an officer of the survey company and a distribution system retailer to provide a signed sworn statement attesting to the survey company's disinterested third-party status and disclosing compensation the survey company received. The railroad commission shall qualify a company that meets these requirements unless the railroad commission shows the company is not capable of performing the survey or is not a disinterested third party.

(d) Except for the information described in Subsection (b), the railroad commission may not require a survey company:

(1) to disclose:

(A) private financial information;

(B) a list of employees or contractors; or

(C) proprietary methodology; or

(2) to provide information or perform an activity that violates the survey company's industry standards or that increases the cost of the survey.

(e) The railroad commission shall maintain a list of two or more qualified survey companies that a distribution system retailer may select and provide 30-day advance notice to affected distribution system retailers when a qualified surveyor's qualification is terminated.

Sec. 141.011. RULES. (a) The railroad commission shall adopt rules implementing this chapter, including rules that establish procedures for:

(1) calculating gas rate ceilings;

(2) reporting market surveys and gas rates to the railroad commission;

(3) addressing unresolved complaints from a customer of a distribution system retailer; and

(4) establishing rates to apply to a retailer whose rates are based on flawed market surveys.

(b) The procedure the railroad commission adopts for calculating a gas rate ceiling based on information from a survey of six or more companies must provide for using the average of surveyed prices, excluding a single highest and a single lowest quote.

(c) The railroad commission may institute nonfinancial resolutions of complaints under this chapter.

(d) The railroad commission may institute financial resolutions only for violations of this chapter.

Sec. 141.012. DISCLOSURE TO HOMEOWNERS. (a) A distribution system retailer shall provide to a homeowners' association or municipal utility district with jurisdiction over property that receives service from a distribution system retailer, or to the distribution system retailer's customers if there is no homeowners' association or municipal utility district, a disclosure that includes:

(1) the general methodology used to determine the distribution system retailer's gas rates;

(2) a copy of this chapter or a summary of the customers' rights under this chapter; and

(3) for development agreements entered into after September 1, 2011, a statement disclosing the existence of a financial interest a homeowners' association, municipal utility district, or developer holds in the gas system.

(b) A homeowners' association or municipal utility district that has jurisdiction over real property that receives service from a distribution system retailer shall provide the disclosure described by Subsection (a) to all homeowners along with a list of the homeowners' covenants and deed restrictions. The homeowners' association or municipal utility district shall post the information required to be disclosed under this subsection on the homeowners' association or municipal utility district website.

SECTION 2. This Act takes effect September 1, 2011.

The amendment to **CSSB 555** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 555 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Harris, Nelson, Nichols, Patrick, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 555 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 555** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Nelson, Nichols, Patrick, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 16, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 84 Cain
Designating 42 as the official State Game of Texas.

HCR 163 Pickett
Convening a joint memorial session to honor Texans killed while serving in the Global War on Terrorism, commemorating Memorial Day 2011, and paying tribute to all those who have died in the service of the United States.

SB 141 Eltife Sponsor: Anchia
Relating to debt management services and the regulation of debt management services providers.
(Committee Substitute/Amended)

SB 248 Estes Sponsor: Landtroop
Relating to the regulation of public grain warehouse operators.

SB 331 Shapiro Sponsor: Madden
Relating to designating certain synthetic cannabinoids as controlled substances under the Texas Controlled Substances Act; providing penalties and establishing certain criminal consequences or procedures.

SB 356 Watson Sponsor: Kleinschmidt
Relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

SB 403 Eltife Sponsor: Murphy
Relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.

- SB 509** Lucio Sponsor: Lozano
Relating to the validation of a home-rule charter for certain municipalities.
- SB 533** Davis Sponsor: Gallego
Relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.
- SB 564** Uresti Sponsor: Gallego
Relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.
- SB 604** Rodriguez Sponsor: Gonzalez, Naomi
Relating to the execution of lawful process by county jailers.
- SB 628** Duncan Sponsor: Chisum
Relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.
- SB 690** Carona Sponsor: Miller, Sid
Relating to the enforcement of a self-service storage facility lien; providing a penalty. (Amended)
- SB 810** Hinojosa Sponsor: Hunter
Relating to the boundaries of the Ingleside Cove Wildlife Sanctuary. (Committee Substitute)
- SB 816** Lucio Sponsor: Lucio III
Relating to the appointment and recommendations of the Border Trade Advisory Committee.
- SB 1121** Estes Sponsor: Lyne
Relating to the student fees for the university center at Midwestern State University.
- SB 1140** Watson Sponsor: Hartnett
Relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.
- SB 1150** Seliger Sponsor: Frullo
Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.
- SB 1165** Carona Sponsor: Truitt
Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.
- SB 1217** Estes Sponsor: Hilderbran
Relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.
- SB 1229** Eltife Sponsor: Eiland
Relating to the registration with the Texas Department of Insurance of certain contract examiners.

- SB 1241** West Sponsor: Jackson, Jim
Relating to authorizing certain courts to access information in the juvenile justice information system.
- SB 1242** West Sponsor: Jackson, Jim
Relating to the judicial immunity and powers of certain magistrates.
- SB 1327** Watson Sponsor: Howard, Donna
Relating to the confidentiality of information obtained by a compliance office of an institution of higher education.
- SB 1353** Eltife Sponsor: Solomons
Relating to certain claims against persons licensed as real estate brokers and salespersons.
(Amended)
- SB 1356** Estes Sponsor: Hardcastle
Relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety of the State of Texas.
- SB 1357** Estes Sponsor: Hardcastle
Relating to the redemption and impoundment of estrays.
- SB 1385** Lucio Sponsor: Oliveira
Relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.
- SB 1431** Carona Sponsor: Smithee
Relating to the functions of insurance holding company systems.
(Amended)
- SB 1433** Carona Sponsor: Smithee
Relating to insurer receivership.
- SB 1492** Uresti Sponsor: Hilderbran
Relating to the election of directors of the Real-Edwards Conservation and Reclamation District.
- SB 1496** Uresti Sponsor: Anderson, Rodney
Relating to the scope and validity of correction instruments in the conveyance of real property.
- SB 1608** Carona Sponsor: Rodriguez, Eddie
Relating to operating a motor vehicle without a driver's license or financial responsibility; creating a penalty.
- SB 1806** Lucio Sponsor: Miller, Sid
Relating to timely filing of a surplus lines policy; providing penalties.

SB 1886 Deuell
Relating to the Fannin County Juvenile Board.

Sponsor: Phillips

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 413 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 413** at this time on its second reading:

HB 413, Relating to the confidentiality of certain information held by a veterinarian.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 413** (senate committee printing) in SECTION 1 of the bill, in amended Section 801.353(f), Occupations Code (page 1, line 21), by striking "or physician" and substituting "[~~or~~] physician, or other licensed health care professional".

The amendment to **HB 413** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 413 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 413 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 413** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Tommy Adkisson, Bexar County Commissioner.

The Senate welcomed its guest.

HOUSE BILL 2277 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2277** at this time on its second reading:

HB 2277, Relating to the sale, exchange, or replacement of life insurance and annuity contracts.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2277** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle A, Title 7, Insurance Code, is amended by adding Chapter 1111A to read as follows:

CHAPTER 1111A. LIFE SETTLEMENT CONTRACTS

Sec. 1111A.001. SHORT TITLE. This Act may be cited as the Life Settlements Act.

Sec. 1111A.002. DEFINITIONS. In this chapter:

(1) "Advertisement" means a written, electronic, or printed communication or a communication by means of a recorded telephone message or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed directly before the public for the purpose of creating an interest in or inducing a person to purchase or sell, assign, devise, bequest, or transfer the death benefit or ownership of a life insurance policy or an interest in a life insurance policy under a life settlement contract.

(2) "Broker" means a person who, on behalf of an owner and for a fee, commission, or other valuable consideration, offers or attempts to negotiate a life settlement contract between an owner and a provider or estimates life expectancies for a life settlement contract. A broker who offers or attempts to negotiate a life settlement contract represents only the owner and owes a fiduciary duty to the owner to act according to the owner's instructions, and in the best interest of the owner, notwithstanding the manner in which the broker is compensated. A broker does not include an attorney, certified public accountant, or financial planner retained in the type of practice customarily performed in a professional capacity to represent the owner whose compensation is not paid directly or indirectly by the provider or any other person, except the owner.

(3) "Business of life settlements" means an activity involved in, but not limited to, offering to enter into, soliciting, negotiating, procuring, effectuating, monitoring, or tracking, of life settlement contracts.

(4) "Chronically ill" means:

(A) being unable to perform at least two activities of daily living such as eating, toileting, transferring, bathing, dressing, or continence;

(B) requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment; or

(C) having a level of disability similar to that described in Paragraph (A) as determined under rules adopted by the commissioner after consideration of any applicable regulation, guideline, or determination of the United States Secretary of Health and Human Services.

(5) "Financing entity" means an underwriter, placement agent, lender, purchaser of securities, purchaser of a policy or certificate from a provider, credit enhancer, or any entity that has a direct ownership in a policy or certificate that is the subject of a life settlement contract whose principal activity related to the transaction is providing funds to effect the life settlement contract or purchase of a policy, and who has an agreement in writing with a provider to finance the acquisition of a life settlement contract. The term does not include a non-accredited investor or purchaser.

(6) "Financing transaction" means a transaction in which a licensed provider obtains financing from a financing entity including secured or unsecured financing, a securitization transaction, or a securities offering that is either registered or exempt from registration under federal and state securities law.

(7) "Fraudulent life settlement act" includes:

(A) an act or omission committed by a person who, knowingly and with intent to defraud, for the purpose of depriving another of property or for pecuniary gain, commits, or permits an employee or an agent to engage in, acts including:

(i) presenting, causing to be presented, or preparing with knowledge and belief that it will be presented to or by a provider, premium finance lender, broker, insurer, insurance agent, or any other person, false material information, or concealing material information, as part of, in support of, or concerning a fact material to one or more of the following:

(a) an application for the issuance of a life settlement contract or an insurance policy;

(b) the underwriting of a life settlement contract or an insurance policy;

(c) a claim for payment or benefit pursuant to a life settlement contract or an insurance policy;

(d) premium paid on an insurance policy;

(e) payment for and changes in ownership or beneficiary made in accordance with the terms of a life settlement contract or an insurance policy;

(f) the reinstatement or conversion of an insurance policy;

(g) in the solicitation, offer to enter into, or effectuation of a life settlement contract, or an insurance policy;

(h) the issuance of written evidence of life settlement contracts or insurance; or

(i) an application for or the existence of or any payment related to a loan secured directly or indirectly by an interest in a life insurance policy;

(ii) failing to disclose to the insurer, if the insurer has requested the disclosure, that the prospective insured has undergone a life expectancy evaluation by any person or entity other than the insurer or its authorized representatives in connection with the issuance of the policy; or

(iii) employing a device, scheme, or artifice to defraud in the business of life settlements; and

(B) acts or omissions in the furtherance of a fraud or to prevent the detection of a fraud, or acts or omissions that permit an employee or an agent to:

(i) remove, conceal, alter, destroy, or sequester from the commissioner the assets or records of a license holder or another person engaged in the business of life settlements;

(ii) misrepresent or conceal the financial condition of a license holder, financing entity, insurer, or other person;

(iii) transact the business of life settlements in violation of laws requiring a license, certificate of authority, or other legal authority for the transaction of the business of life settlements;

(iv) file with the commissioner or the chief insurance regulatory official of another jurisdiction a document containing false information or concealing information about a material fact;

(v) engage in embezzlement, theft, misappropriation, or conversion of monies, funds, premiums, credits, or other property of a provider, insurer, insured, owner, insurance policy owner, or any other person engaged in the business of life settlements or insurance;

(vi) knowingly and with intent to defraud, enter into, broker, or otherwise deal in a life settlement contract, the subject of which is a life insurance policy that was obtained by presenting false information concerning any fact material to the policy or by concealing that fact, for the purpose of misleading another, or providing information concerning any fact material to the policy, if the owner or the owner's agent intended to defraud the policy's issuer;

(vii) attempt to commit, assist, aid or abet in the commission of, or engage in conspiracy to commit the acts or omissions specified in this paragraph; or

(viii) misrepresent the state of residence of an owner to be a state or jurisdiction that does not have a law substantially similar to this chapter for the purpose of evading or avoiding the provisions of this chapter.

(8) "Insured" means a person covered under the policy being considered for sale in a life settlement contract.

(9) "Life expectancy" means the arithmetic mean of the number of months the insured under the life insurance policy to be settled can be expected to live as determined by a life expectancy company or provider considering medical records and appropriate experiential data.

(10) "Life insurance agent" means a person licensed in this state as a resident or nonresident insurance agent who has received qualification or authority to write life insurance coverage under this code.

(11) "Life settlement contract" means a written agreement entered into between a provider and an owner establishing the terms under which compensation or anything of value will be paid and is less than the expected death benefit of the insurance policy or certificate, in return for the owner's assignment, transfer, sale, devise, or bequest of the death benefit or a portion of an insurance policy or certificate of insurance for compensation; provided, however, that the minimum value for a life settlement contract must be greater than a cash surrender value or accelerated death

benefit available at the time of an application for a life settlement contract. The term also includes the transfer for compensation or value of ownership or beneficial interest in a trust or other entity that owns the policy if the trust or other entity was formed or used for the principal purpose of acquiring one or more life insurance contracts that insure the life of an individual residing in this state. The term also includes:

(A) a written agreement for a loan or other lending transaction, secured primarily by an individual or group life insurance policy; and

(B) a premium finance loan made for a policy on or before the date of issuance of the policy if:

(i) the loan proceeds are not used solely to pay premiums for the policy and any costs or expenses incurred by the lender or the borrower in connection with the financing;

(ii) the owner receives on the date of the premium finance loan a guarantee of the future life settlement value of the policy; or

(iii) the owner agrees on the date of the premium finance loan to sell the policy or any portion of its death benefit on a date following the issuance of the policy.

(11-A) "Life settlement contract" does not include:

(A) a policy loan by a life insurance company under the terms of a life insurance policy or accelerated death provision contained in the life insurance policy, whether issued with the original policy or as a rider;

(B) a premium finance loan or any loan made by a bank or other licensed financial institution, provided that neither default on the loan nor the transfer of the policy in connection with the default is under an agreement or understanding with any other person for the purpose of evading regulation under this chapter;

(C) a collateral assignment of a life insurance policy by an owner;

(D) a loan made by a lender that does not violate Chapter 651, provided that the loan is not described in Subdivision (11) and is not otherwise within the definition of life settlement contract;

(E) an agreement with respect to which all the parties are closely related to the insured by blood or law or have a lawful substantial economic interest in the continued life, health, and bodily safety of the person insured, or are trusts established primarily for the benefit of the parties;

(F) a designation, consent, or agreement by an insured who is an employee of an employer in connection with the purchase by the employer, or trust established by the employer, of life insurance on the life of the employee;

(G) a bona fide business succession planning arrangement:

(i) between one or more shareholders in a corporation or between a corporation and one or more of its shareholders or one or more trusts established by its shareholders;

(ii) between one or more partners in a partnership or between a partnership and one or more of its partners or one or more trusts established by its partners; or

(iii) between one or more members in a limited liability company or between a limited liability company and one or more of its members or one or more trusts established by its members;

(H) an agreement entered into by a service recipient, or a trust established by the service recipient, and a service provider, or a trust established by the service provider, who performs significant services for the service recipient's trade or business; or

(I) any other contract, transaction, or arrangement from the definition of life settlement contract that the commissioner determines is not of the type intended to be regulated by this chapter.

(12) "Net death benefit" means the amount of the life insurance policy or certificate to be settled less any outstanding debts or liens.

(13) "Owner" means the owner of a life insurance policy or a certificate holder under a group policy, with or without a terminal illness, who enters or seeks to enter into a life settlement contract. In this chapter, the term "owner" is not limited to an owner of a life insurance policy or a certificate holder under a group policy that insures the life of an individual with a terminal or chronic illness or condition except as specifically provided. The term does not include:

(A) a provider or other license holder under this chapter;

(B) a qualified institutional buyer as defined by 17 C.F.R. Section 230.144A, as amended;

(C) a financing entity;

(D) a special purpose entity; or

(E) a related provider trust.

(14) "Patient identifying information" means an insured's address, telephone number, facsimile number, e-mail address, photograph or likeness, employer, employment status, social security number, or any other information that is likely to lead to the identification of the insured.

(15) "Policy" means an individual or group policy, group certificate, contract, or arrangement of life insurance owned by a resident of this state, regardless of whether delivered or issued for delivery in this state.

(16) "Premium finance loan" is a loan made primarily for the purposes of making premium payments on a life insurance policy that is secured by an interest in the life insurance policy.

(17) "Person" means an individual or legal entity, including a partnership, limited liability company, association, trust, or corporation.

(18) "Provider" means a person, other than an owner, who enters into or effectuates a life settlement contract with an owner. The term does not include:

(A) a bank, savings bank, savings and loan association, or credit union;

(B) a licensed lending institution or creditor or secured party pursuant to a premium finance loan agreement that takes an assignment of a life insurance policy or certificate issued pursuant to a group life insurance policy as collateral for a loan;

(C) the insurer of a life insurance policy or rider to the extent of providing accelerated death benefits or riders under Subchapter B, Chapter 1111, or cash surrender value;

(D) an individual who enters into or effectuates not more than one agreement in a calendar year for the transfer of a life insurance policy or certificate issued pursuant to a group life insurance policy, for compensation or anything of value less than the expected death benefit payable under the policy;

(E) a purchaser;

(F) any authorized or eligible insurer that provides stop loss coverage to a provider, purchaser, financing entity, special purpose entity, or related provider trust;

(G) a financing entity;

(H) a special purpose entity;

(I) a related provider trust;

(J) a broker; or

(K) an accredited investor or qualified institutional buyer as those terms are defined by 17 C.F.R. Section 230.144A, as amended, who purchases a life settlement policy from a provider.

(19) "Purchased policy" means a policy or group certificate that has been acquired by a provider pursuant to a life settlement contract.

(20) "Purchaser" means a person who pays compensation or anything of value as consideration for a beneficial interest in a trust that is vested with, or for the assignment, transfer, or sale of, an ownership or other interest in a life insurance policy or a certificate issued pursuant to a group life insurance policy that has been the subject of a life settlement contract.

(21) "Related provider trust" means a titling trust or other trust established by a licensed provider or a financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction. In order to qualify as a related provider trust, the trust must have a written agreement with the licensed provider under which the licensed provider is responsible for ensuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to life settlement transactions available to the department as if those records and files were maintained directly by the licensed provider.

(22) "Settled policy" means a life insurance policy or certificate that has been acquired by a provider pursuant to a life settlement contract.

(23) "Special purpose entity" means a corporation, partnership, trust, limited liability company, or other legal entity formed solely to provide either directly or indirectly access to institutional capital markets:

(A) for a financing entity or provider; or

(B) in connection with a transaction in which:

(i) the securities in the special purpose entity are acquired by the owner or by a qualified institutional buyer as defined by 17 C.F.R. Section 230.144A, as amended; or

(ii) the securities pay a fixed rate of return commensurate with established asset-backed institutional capital markets.

(24) "Terminally ill" means having an illness or sickness that can reasonably be expected to result in death not later than 24 months after the date of diagnosis.

Sec. 1111A.003. LICENSING REQUIREMENTS; EXEMPTION. (a) A person, wherever located, may not act as a provider or broker with an owner who is a resident of this state, unless the person holds a license from the department.

(b) An application for a provider or broker license must be made to the department by the applicant on a form prescribed by the commissioner. The application must be accompanied by a fee in an amount established by the commissioner by rule. The license and renewal fees for a provider license must be reasonable and the license and renewal fees for a broker license may not exceed those established for an insurance agent, as otherwise provided by this chapter.

(c) A person who has been licensed as a life insurance agent in this state or the person's home state for at least one year and is licensed as a nonresident agent in this state meets the licensing requirements of this section and may operate as a broker.

(d) Not later than the 30th day after the first date of operating as a broker, a life insurance agent shall notify the commissioner on a form prescribed by the commissioner that the agent is acting as a broker and shall pay any applicable fee to be determined by the commissioner by rule. Notification must include an acknowledgement by the life insurance agent that the agent will operate as a broker in accordance with this chapter.

(e) An insurer that issued a policy that is the subject of a life settlement contract is not responsible for any act or omission of a broker or provider or purchaser arising out of or in connection with the life settlement transaction, unless the insurer receives compensation for the placement of a life settlement contract from the provider, purchaser, or broker in connection with the life settlement contract.

(f) A person licensed as an attorney, certified public accountant, or financial planner accredited by a nationally recognized accreditation agency, who is retained to represent the owner and whose compensation is not paid directly or indirectly by the provider or purchaser, may negotiate life settlement contracts for the owner without having to obtain a license as a broker.

(g) A license expires on the second anniversary of the date of issuance. A license holder may renew the license on payment of a renewal fee. As specified by Subsection (b), the renewal fee for a provider license may not exceed a reasonable fee.

(h) An applicant shall provide the information that the commissioner requires on forms adopted by the commissioner. The commissioner may, at any time, require an applicant to fully disclose the identity of the applicant's stockholders that own at least 10 percent of the shares of an applicant the shares of which are publicly traded, partners, officers and employees, and the commissioner may, in the exercise of the commissioner's sole discretion, refuse to issue a license in the name of any person if the commissioner is not satisfied that an officer, an employee, a stockholder, or a partner of the applicant who may materially influence the applicant's conduct meets the standards of Sections 1111A.001 to 1111A.018.

(i) A license issued to a partnership, corporation, or other entity authorizes each member, officer, and designated employee named in the application and any supplement to the application to act as a license holder under the license.

(j) After the filing of an application and the payment of the license fee, the commissioner shall investigate each applicant and may issue a license if the commissioner finds that the applicant:

(1) if a provider, has provided a detailed plan of operation;
(2) is competent and trustworthy and intends to transact business in good faith;

(3) has a good business reputation and has had experience, training, or education to qualify in the business for which the license is applied;

(4) if the applicant is a legal entity, is formed or organized under the laws of this state or is a foreign legal entity authorized to transact business in this state, or provides a certificate of good standing from the state of its domicile; and

(5) has provided to the commissioner an antifraud plan that meets the requirements of Section 1111A.022 and includes:

(A) a description of the procedures for detecting and investigating possible fraudulent acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(B) a description of the procedures for reporting fraudulent insurance acts to the commissioner;

(C) a description of the plan for antifraud education and training of its underwriters and other personnel; and

(D) a written description or chart outlining the arrangement of the antifraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts and the investigation of unresolved material inconsistencies between medical records and insurance applications.

(k) The commissioner may not issue a license to a nonresident applicant unless a written designation of an agent for service of process is filed and maintained with the department or unless the applicant has filed with the department the applicant's written irrevocable consent that any action against the applicant may be commenced by service of process on the commissioner.

(l) A license holder shall file with the department not later than March 1 of each year an annual statement containing the information as the commissioner by rule prescribes.

(m) A provider may not allow any person to perform the functions of a broker unless the person holds a current, valid license as a broker, and as provided in this section.

(n) A broker may not allow any person to perform the functions of a provider unless the person holds a current, valid license as a provider, and as provided in this section.

(o) A provider or broker shall provide to the commissioner new or revised information about officers, stockholders described by Subsection (h), partners, directors, members, or designated employees within 30 days of the change.

(p) An individual licensed as a broker shall complete on a biennial basis 15 hours of training related to life settlements and life settlement transactions, as required by the commissioner. A life insurance agent who is operating as a broker under this section is not subject to the requirements of this subsection.

(q) The business of life settlements constitutes the business of insurance.

Sec. 1111A.004. LICENSE SUSPENSION, REVOCATION, OR REFUSAL TO RENEW. (a) The commissioner may suspend, revoke, or refuse to renew the license of a license holder if the commissioner finds that:

(1) there was a material misrepresentation in the application for the license;
(2) the license holder or an officer, partner, member, or director of the license holder has been guilty of fraudulent or dishonest practices, is subject to a final administrative action, or is otherwise shown to be untrustworthy or incompetent to act as a license holder;

(3) the license holder is a provider and demonstrates a pattern of unreasonably withholding payments to policy owners;

(4) the license holder no longer meets the requirements for initial licensure;

(5) the license holder or any officer, partner, member, or director of the license holder has been convicted of a felony, or of any misdemeanor with respect to which criminal fraud is an element, or has pleaded guilty or nolo contendere with respect to a felony or a misdemeanor with respect to which criminal fraud or moral turpitude is an element, regardless of whether a judgment of conviction has been entered by the court;

(6) the license holder is a provider and has entered into a life settlement contract using a form that has not been approved under this chapter;

(7) the license holder is a provider and has failed to honor contractual obligations in a life settlement contract;

(8) the license holder is a provider and has assigned, transferred, or pledged a settled policy to a person other than a provider licensed in this state, a purchaser, an accredited investor or qualified institutional buyer as defined respectively in 17 C.F.R. Section 230.144A, as amended, a financing entity, a special purpose entity, or a related provider trust; or

(9) the license holder or any officer, partner, member, or key management personnel of the license holder has violated this chapter.

(b) The commissioner may deny a license application or suspend, revoke, or refuse to renew the license of a license holder in accordance with Chapter 2001, Government Code.

Sec. 1111A.005. REQUIREMENTS FOR CONTRACT FORMS, DISCLOSURE FORMS, AND ADVERTISEMENTS. (a) A person may not use any form of life settlement contract in this state unless the form has been filed with and approved, if required, by the commissioner in a manner that conforms with the filing procedures and any time restrictions or deeming provisions for life insurance forms, policies, and contracts.

(b) An insurer may not, as a condition of responding to a request for verification of coverage or in connection with the transfer of a policy pursuant to a life settlement contract, require that the owner, insured, provider, or broker sign any form, disclosure, consent, waiver, or acknowledgment that has not been expressly approved by the commissioner for use in connection with life settlement contracts.

(c) A person may not use a life settlement contract form or provide to an owner a disclosure statement form unless the form is first filed with and approved by the commissioner. The commissioner shall disapprove a life settlement contract form or disclosure statement form if, in the commissioner's opinion, the contract or contract provisions fail to meet the requirements of Sections 1111A.011, 1111A.012, 1111A.014, and 1111A.023(b), or are unreasonable, contrary to the interests of the public, or otherwise misleading or unfair to the owner.

(d) At the commissioner's discretion, the commissioner may require the submission of advertisements.

Sec. 1111A.006. REPORTING REQUIREMENTS AND PRIVACY. (a) For a policy settled not later than the fifth anniversary of the date of policy issuance, each provider shall file with the commissioner not later than March 1 of each year an annual statement containing the information that the commissioner prescribes by rule. In addition to any other requirements, the annual statement must specify the total number, aggregate face amount, and life settlement proceeds of policies settled during the immediately preceding calendar year, together with a breakdown of the information by policy issue year. The annual statement must also include the names of each insurance company whose policies have been settled and the brokers that have settled the policies.

(b) The information required under Subsection (a) is limited to only those transactions in which the insured is a resident of this state and may not include individual transaction data regarding the business of life settlements or information if there is a reasonable basis to find that the information could be used to identify the owner or the insured.

(c) A provider that wilfully fails to file an annual statement as required in this section, or wilfully fails to reply not later than the 30th day after the date the provider receives a written inquiry from the department about the filing of the annual statement, shall, in addition to other penalties provided by this chapter, after notice and opportunity for hearing be subject to a penalty of up to \$250 for each day of delay, not to exceed \$25,000 in the aggregate, for the failure to file or respond.

(d) Except as otherwise allowed or required by law, a provider, broker, insurance company, insurance agent, information bureau, rating agency or company, or any other person with actual knowledge of an insured's identity, may not disclose the identity of an insured or information that there is a reasonable basis to believe could be used to identify the insured or the insured's financial or medical information to any other person unless the disclosure is:

(1) necessary to effect a life settlement contract between the owner and a provider and the owner and insured have provided prior written consent to the disclosure;

(2) necessary to effectuate the sale of a life settlement contract, or interests in the contract, as an investment, provided the sale is conducted in accordance with applicable state and federal securities law and provided further that the owner and the insured have both provided prior written consent to the disclosure;

(3) provided in response to an investigation or examination by the commissioner or another governmental officer or agency or under Section 1111A.018;

(4) a term or condition of the transfer of a policy by one provider to another licensed provider, in which case the receiving provider shall comply with the confidentiality requirements of this subsection;

(5) necessary to allow the provider or broker or the provider's or broker's authorized representative to make contact for the purpose of determining health status provided that in this subdivision, authorized representative does not include a person who has or may have a financial interest in the settlement contract other than a

provider, licensed broker, financing entity, related provider trust, or special purpose entity and that the provider or broker requires the authorized representative to agree in writing to adhere to the privacy provisions of this chapter; or

(6) required to purchase stop loss coverage.

(e) Nonpublic personal information solicited or obtained in connection with a proposed or actual life settlement contract is subject to the provisions applicable to financial institutions under the federal Gramm-Leach-Bliley Act (Pub. L. No. 106-102), and any other state and federal laws relating to confidentiality of nonpublic personal information.

Sec. 1111A.007. EXAMINATION. Subchapter B, Chapter 401, applies to a person engaged in the business of life settlements.

Sec. 1111A.008. IMMUNITY FROM LIABILITY. (a) No cause of action shall arise nor shall any liability be imposed against the commissioner, the commissioner's authorized representatives, or any examiner appointed by the commissioner for a statement made or conduct performed in good faith while carrying out this chapter.

(b) No cause of action shall arise, nor shall any liability be imposed against any person for the act of communicating or delivering information to the commissioner or the commissioner's authorized representative or examiner pursuant to an examination made under this chapter, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive. This subsection does not abrogate or modify in any way any common law or statutory privilege or immunity enjoyed by any person identified in Subsection (a).

Sec. 1111A.009. INVESTIGATIVE AUTHORITY OF THE COMMISSIONER. The commissioner may investigate a suspected fraudulent life settlement act and a person engaged in the business of life settlements.

Sec. 1111A.010. COST OF EXAMINATIONS. The reasonable and necessary cost of an examination under this chapter is to be assessed against the person being examined in accordance with Section 751.208.

Sec. 1111A.011. ADVERTISING. (a) A broker or provider licensed pursuant to this chapter may conduct or participate in an advertisement in this state. The advertisement must comply with all advertising and marketing laws under Chapter 541 and rules adopted by the commissioner that are applicable to life insurers or to license holders under this chapter.

(b) Advertisements shall be accurate, truthful, and not misleading in fact or by implication.

(c) A person may not:

(1) market, advertise, solicit, or otherwise promote the purchase of a policy for the sole purpose of or with an emphasis on settling the policy; or

(2) use the words "free," "no cost," or words of similar import in the marketing, advertising, or soliciting of, or otherwise promoting, the purchase of a policy.

Sec. 1111A.012. DISCLOSURES TO OWNERS. (a) Not later than the fifth day after the date a provider receives the application for a life settlement contract, the provider shall provide, in a separate written document, the following information to the owner:

(1) the fact that possible alternatives to life settlement contracts exist, including accelerated benefits offered by the issuer of the life insurance policy;

(2) the fact that some or all of the proceeds of a life settlement contract may be taxable and that assistance should be sought from a professional tax advisor;

(3) the fact that the proceeds from a life settlement contract could be subject to the claims of creditors;

(4) the fact that receipt of proceeds from a life settlement contract may adversely affect the recipients' eligibility for public assistance or other government benefits or entitlements and that advice should be obtained from the appropriate agency;

(5) the fact that the owner has a right to terminate a life settlement contract within 15 days of the date the contract is executed by all parties and the owner has received the disclosures described in this section, that rescission, if exercised by the owner, is effective only if both notice of the rescission is given and the owner repays all proceeds and any premiums, loans, and loan interest paid on account of the provider during the rescission period, and that if the insured dies during the rescission period, the contract is considered rescinded subject to repayment by the owner or the owner's estate of all proceeds and any premiums, loans, and loan interest to the provider;

(6) the fact that proceeds will be sent to the owner within three business days after the provider has received the insurer or group administrator's acknowledgement that ownership of the policy or interest in the certificate has been transferred and the beneficiary has been designated in accordance with the terms of the life settlement contract;

(7) the fact that entering into a life settlement contract may cause the owner to forfeit other rights or benefits, including conversion rights and waiver of premium benefits that may exist under the policy or certificate of a group policy, and that assistance should be sought from a professional financial advisor;

(8) the amount and method of calculating the compensation, including anything of value, paid or given, or to be paid or given, to the broker, or any other person acting for the owner in connection with the transaction;

(9) the date by which the funds will be available to the owner and the identity of the transmitter of the funds;

(10) the fact that the commissioner requires delivery of a buyer's guide or a similar consumer advisory package in the form prescribed by the commissioner to owners during the solicitation process;

(11) the following language: "All medical, financial, or personal information solicited or obtained by a provider or broker about an insured, including the insured's identity or the identity of family members or a spouse or a significant other, may be disclosed as necessary to effect the life settlement contract between the owner and provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years.";

(12) the fact that the commissioner requires providers and brokers to print separate signed fraud warnings on the applications and on the life settlement contracts as follows: "Any person who knowingly presents false information in an application for insurance or a life settlement contract is guilty of a crime and may be subject to fines and confinement in prison.";

(13) the fact that the insured may be contacted by either the provider or broker or an authorized representative of the provider or broker for the purpose of determining the insured's health status or to verify the insured's address and that this contact is limited to once every three months if the insured has a life expectancy of more than one year, and not more than once per month if the insured has a life expectancy of one year or less;

(14) the affiliation, if any, between the provider and the issuer of the insurance policy to be settled;

(15) that a broker represents exclusively the owner, and not the insurer or the provider or any other person, and owes a fiduciary duty to the owner, including a duty to act according to the owner's instructions and in the best interest of the owner;

(16) the name, address, and telephone number of the provider;

(17) the name, business address, and telephone number of the independent third party escrow agent, and the fact that the owner may inspect or receive copies of the relevant escrow or trust agreements or documents; and

(18) the fact that a change of ownership could in the future limit the insured's ability to purchase future insurance on the insured's life because there is a limit to how much coverage insurers will issue on one life.

(b) The written disclosures described by Subsection (a) must be conspicuously displayed in a life settlement contract furnished to the owner by a provider, including any affiliations or contractual arrangements between the provider and the broker.

(c) A broker shall provide the owner and the provider with at least the following disclosures not later than the date on which the life settlement contract is signed by all parties and which must be conspicuously displayed in the life settlement contract or in a separate document signed by the owner:

(1) the name, business address, and telephone number of the broker;

(2) a full, complete, and accurate description of all the offers, counter-offers, acceptances, and rejections relating to the proposed life settlement contract;

(3) a written disclosure of any affiliations or contractual arrangements between the broker and any person making an offer in connection with the proposed life settlement contract;

(4) the name of each broker who receives compensation and the amount of compensation, including anything of value, paid or given to the broker in connection with the life settlement contract; and

(5) a complete reconciliation of the gross offer or bid by the provider to the net amount of proceeds or value to be received by the owner.

(d) For the purpose of this section, "gross offer or bid" means the total amount or value offered by the provider for the purchase of one or more life insurance policies, inclusive of commissions and fees.

(e) The failure to provide the disclosures or rights described in this section is an unfair method of competition or an unfair or deceptive act or practice.

Sec. 1111A.013. DISCLOSURE TO INSURER. (a) Without limiting the ability of an insurer to assess the insurability of a policy applicant and to determine whether to issue the policy, and in addition to other questions an insurance carrier may lawfully pose to a life insurance applicant, an insurer may inquire in the application for insurance whether the proposed owner intends to pay premiums with the assistance of financing from a lender that will use the policy as collateral to support the financing.

(b) If, as described in Sections 1111A.002(11) and (11-A), the loan provides funds that can be used for a purpose other than paying for the premiums, costs, and expenses associated with obtaining and maintaining the life insurance policy and loan, and notwithstanding any other law, the application must be rejected as a violation of Section 1111A.017.

(c) If the financing does not violate Section 1111A.017, the insurance carrier:

(1) may make disclosures, not later than the date of the delivery of the policy, to the applicant and the insured, either on the application or on an amendment to the application that include the following or substantially similar statements:

"If you have entered into a loan arrangement in which the policy is used as collateral, and the policy does change ownership at some point in the future in satisfaction of the loan, the following may be true:

(A) a change of ownership could lead to a stranger owning an interest in the insured's life;

(B) a change of ownership could in the future limit your ability to purchase future insurance on the insured's life because there is a limit to how much coverage insurers will issue on one life;

(C) should there be a change of ownership and you wish to obtain more insurance coverage on the insured's life in the future, the insured's higher issue age, a change in health status, or other factors may reduce the ability to obtain coverage or may result in significantly higher premiums; and

(D) you should consult a professional advisor, since a change in ownership in satisfaction of the loan may result in tax consequences to the owner, depending on the structure of the loan.";

(2) may require certifications, such as the following, from the applicant or the insured:

(A) "I have not entered into any agreement or arrangement providing for the future sale of this life insurance policy";

(B) "My loan arrangement for this policy provides funds sufficient to pay for some or all of the premiums, costs, and expenses associated with obtaining and maintaining my life insurance policy, but I have not entered into any agreement by which I am to receive consideration in exchange for procuring this policy"; and

(C) "The borrower has an insurable interest in the insured."

Sec. 1111A.014. GENERAL RULES. (a) Before entering into a life settlement contract with an owner of a policy with respect to which the insured is terminally or chronically ill, the provider must obtain:

(1) if the owner is the insured, a written statement from a licensed attending physician that the owner is of sound mind and under no constraint or undue influence to enter into a settlement contract; and

(2) a document in which the insured consents to the release of medical records to a provider, settlement broker, or insurance agent and, if the policy was issued less than two years after the date of application for a settlement contract, to the insurance company that issued the policy.

(b) An insurer shall respond to a request for verification of coverage submitted by a provider, settlement broker, or life insurance agent not later than the 30th calendar day after the date the request is received. The request for verification of coverage must be made on a form approved by the commissioner. The insurer shall complete and issue the verification of coverage or indicate in which respects the insurer is unable to respond. In the response, the insurer shall indicate whether at the time of the response, based on the medical evidence and documents provided, the insurer intends to pursue an investigation about the validity of the insurance contract.

(c) On or before the date of execution of the life settlement contract, the provider shall obtain a witnessed document in which the owner consents to the settlement contract, represents that the owner has a full and complete understanding of the settlement contract and of the benefits of the policy, acknowledges that the owner is entering into the settlement contract freely and voluntarily, and, for persons with a terminal or chronic illness or condition, acknowledges that the insured has a terminal or chronic illness and that the terminal or chronic illness or condition was diagnosed after the policy was issued.

(d) The insurer may not unreasonably delay effecting change of ownership or beneficiary with any life settlement contract lawfully entered into in this state or with a resident of this state.

(e) If a settlement broker or life insurance agent performs any of these activities required of the provider, the provider is deemed to have fulfilled the requirements of this section.

(f) If a broker performs the verification of coverage activities required of the provider, the provider is deemed to have fulfilled the requirements of Section 1111A.012.

(g) Not later than the 20th day after the date that an owner executes the life settlement contract, the provider shall give written notice to the insurer that issued that insurance policy that the policy has become subject to a life settlement contract. The notice shall be accompanied by the documents required by Section 1111A.013(c).

(h) Medical information solicited or obtained by a license holder is subject to the applicable provision of state law relating to confidentiality of medical information, if not otherwise provided in this chapter.

(i) A life settlement contract entered into in this state must provide that the owner may rescind the contract on or before 15 days after the date the contract is executed by all parties to the contract. Rescission, if exercised by the owner, is effective only if notice of the rescission is given and the owner repays all proceeds and any premiums, loans, and loan interest paid on account of the provider within the rescission period. If the insured dies during the rescission period, the contract is rescinded subject to repayment by the owner or the owner's estate of all proceeds and any premiums, loans, and loan interest to the provider.

(j) Not later than the third business day after the date the provider receives from the owner the documents to effect the transfer of the insurance policy, the provider shall pay the proceeds of the settlement into an escrow or trust account managed by a trustee or escrow agent in a state or federally chartered financial institution pending acknowledgement of the transfer by the issuer of the policy. The trustee or escrow agent shall transfer to the owner the proceeds due to the owner not later than the third business day after the date the trustee or escrow officer receives from the insurer acknowledgment of the transfer of the insurance policy.

(k) Failure to tender the life settlement contract proceeds to the owner on or before the date disclosed to the owner renders the contract voidable by the owner for lack of consideration until the time the proceeds are tendered to and accepted by the owner. A failure to give written notice of the right of rescission under this subsection tolls the right of rescission for 30 days after the date the written notice of the right of rescission has been given.

(l) A fee paid by a provider, an owner, or other person to a broker in exchange for services provided to the owner pertaining to a life settlement contract must be computed as a percentage of the offer obtained, not the face value of the policy. Nothing in this section prohibits a broker from voluntarily reducing the broker's fee to less than a percentage of the offer obtained.

(m) A broker shall disclose to the owner anything of value paid or given to a broker that relates to a life settlement contract.

(n) A person, at any time prior to or at the time of the application for, or issuance of, a policy, or during a two-year period beginning on the date of issuance of the policy, may not enter into a life settlement contract regardless of the date the compensation is to be provided and regardless of the date the assignment, transfer, sale, devise, bequest, or surrender of the policy is to occur. This prohibition does not apply if:

(1) the owner certifies to the provider that the policy was issued on the owner's exercise of conversion rights arising out of a group or individual policy, provided the total of the time covered under the conversion policy plus the time covered under the prior policy is at least 24 months; or

(2) the owner submits independent evidence to the provider that one or more of the following conditions have been met during the two-year period described by this subsection:

(A) the owner or insured is terminally or chronically ill;

(B) the owner or insured disposes of the owner's or insured's ownership interests in a closely held corporation, pursuant to the terms of a buyout or other similar agreement in effect at the time the insurance policy was initially issued;

(C) the owner's spouse dies;

(D) the owner divorces the owner's spouse;

(E) the owner retires from full-time employment;

(F) the owner becomes physically or mentally disabled and a physician determines that the disability prevents the owner from maintaining full-time employment; or

(G) a final order, judgment, or decree is entered by a court of competent jurisdiction, on the application of a creditor of the owner, adjudicating the owner bankrupt or insolvent, or approving a petition seeking reorganization of the owner or appointing a receiver, trustee, or liquidator to all or a substantial part of the owner's assets.

(o) For the purposes of Subsection (n)(1), time covered under a group policy must be calculated without regard to a change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship.

(p) Copies of the independent evidence described by Subsection (n)(2) must be submitted to the insurer at the time the provider submits a request to the insurer for verification of coverage. The copies must be accompanied by a letter of attestation from the provider that the copies are true and correct copies of the documents received by the provider. This section does not prohibit an insurer from exercising its right to contest the validity of a policy.

(q) If the provider submits to the insurer a copy of independent evidence provided for Subsection (n)(2)(A) at the time the provider submits a request to the insurer to effect the transfer of the policy to the provider, the copy is deemed to establish that the settlement contract satisfies the requirements of this section.

Sec. 1111A.015. AUTHORITY TO ADOPT RULES. (a) The commissioner may adopt rules implementing this chapter and regulating the activities and relationships of providers, brokers, insurers, and their authorized representatives.

(b) The commissioner may not adopt a rule establishing a price or fee for the sale or purchase of a life settlement contract. This subsection does not prohibit the commissioner from adopting a rule relating to an unjust price or fee for the sale or purchase of a life settlement contract.

(c) The commissioner may not adopt a rule that regulates the actions of an investor providing money to a life or viatical settlement company.

Sec. 1111A.016. CONFLICT OF LAWS. (a) If there is more than one owner on a single policy, and the owners are residents of different states, the life settlement contract is governed by the law of the state in which the owner having the largest percentage ownership resides or, if the owners hold equal ownership, the state of residence of one owner agreed on in writing by all of the owners. The law of the state of the insured shall govern in the event that equal owners fail to agree in writing on a state of residence for jurisdictional purposes.

(b) A provider licensed in this state who enters into a life settlement contract with an owner who is a resident of another state that has enacted statutes or adopted rules governing life settlement contracts is governed in the effectuation of that life settlement contract by the statutes and rules of the owner's state of residence. If the state in which the owner is a resident has not enacted statutes or adopted rules governing life settlement contracts, the provider shall give the owner notice that neither state regulates the transaction on which the owner is entering. For transactions in those states, however, the provider shall maintain all records required by this chapter if the transactions were executed in this state. The forms used in those states need not be approved by the department.

(c) If there is a conflict in the laws that apply to an owner and a purchaser in any individual transaction, the laws of the state that apply to the owner shall take precedence and the provider shall comply with those laws.

Sec. 1111A.017. PROHIBITED PRACTICES. (a) A person may not:

(1) enter into a life settlement contract if the person knows or reasonably should have known that the life insurance policy was obtained by means of a false, deceptive, or misleading application for the policy;

(2) engage in a transaction, practice, or course of business if the person knows or reasonably should have known that the intent of engaging in the transaction, practice, or course of business is to avoid the notice requirements of this chapter;

(3) engage in a fraudulent act or practice in connection with a transaction relating to any settlement involving an owner who is a resident of this state;

(4) issue, solicit, market, or otherwise promote the purchase of an insurance policy for the purpose of, or with an emphasis on, settling the policy;

(5) if providing premium financing, receive any proceeds, fee, or other consideration from the policy or owner in addition to the amounts required to pay principal, interest, and any reasonable costs or expenses incurred by the lender or borrower in connection with the premium finance agreement, except in event of a default, unless either the default on the loan or transfer of the policy occurs pursuant to an agreement or understanding with any other person for the purpose of evading regulation under this chapter;

(6) with respect to any settlement contract or insurance policy and to a broker, knowingly solicit an offer from, effectuate a life settlement contract with, or make a sale to any provider, financing entity, or related provider trust that is controlling, controlled by, or under common control with the broker unless the relationship is fully disclosed to the owner;

(7) with respect to any life settlement contract or insurance policy and a provider, knowingly enter into a life settlement contract with an owner if, in connection with the life settlement contract, anything of value will be paid to a broker that is controlling, controlled by, or under common control with the provider or the financing entity or related provider trust that is involved in such settlement contract, unless the relationship is fully disclosed to the owner;

(8) with respect to a provider, enter into a life settlement contract unless the life settlement promotional, advertising, and marketing materials, as may be prescribed by rule, have been filed with the commissioner, provided that in no event may any marketing materials expressly reference that the insurance is free for any period of time; or

(9) with respect to any life insurance agent, insurance company, broker, or provider, make any statement or representation to the applicant or policyholder in connection with the sale or financing of a life insurance policy to the effect that the insurance is free or without cost to the policyholder for any period of time unless provided in the policy.

(b) A violation of this section is a fraudulent life settlement act.

Sec. 1111A.018. FRAUD PREVENTION AND CONTROL. (a) A person may not commit a fraudulent life settlement act.

(b) A person may not interfere with the enforcement of this chapter or an investigation of a suspected or actual violation of this chapter.

(c) A person in the business of life settlements may not knowingly or intentionally permit a person convicted of a felony involving dishonesty or breach of trust to participate in the business of life settlements.

(d) A life settlement contract and an application for a life settlement contract, regardless of the form of transmission, must contain the following, or a substantially similar, statement: "Any person who knowingly presents false information in an application for insurance or a life settlement contract is guilty of a crime and may be subject to fines and confinement in prison."

(e) The failure to include a statement as required in Subsection (d) is not a defense in any prosecution for a fraudulent life settlement act.

Sec. 1111A.019. MANDATORY REPORTING OF FRAUDULENT LIFE SETTLEMENT ACTS. A person engaged in the business of life settlements has a duty under Section 701.051 to report a fraudulent life settlement act.

Sec. 1111A.020. CONFIDENTIALITY. (a) The documents and evidence obtained by the commissioner in an investigation of a suspected or an actual fraudulent life settlement act are privileged and confidential, are not a public record, and are not subject to discovery or subpoena in a civil or criminal action.

(b) Subsection (a) does not prohibit release by the commissioner of documents and evidence obtained in an investigation of a suspected or an actual fraudulent life settlement act:

(1) in an administrative or judicial proceeding to enforce a provision of this code or another insurance law of this state;

(2) to a federal, state, or local law enforcement or regulatory agency, to an organization established for the purpose of detecting and preventing a fraudulent life settlement act, or to the National Association of Insurance Commissioners; or

(3) at the discretion of the commissioner, to a person in the business of life settlements that is aggrieved by a fraudulent life settlement act.

(c) Release of documents and evidence under Subsection (b) does not abrogate or modify the privilege granted in Subsection (a).

Sec. 1111A.021. OTHER LAW ENFORCEMENT OR REGULATORY AUTHORITY. This chapter does not:

(1) preempt the authority or relieve the duty of another law enforcement or regulatory agency to investigate, examine, and prosecute a suspected violation of law;

(2) preempt, supersede, or limit any provision of any state securities law or any rule, order, or notice issued under the law;

(3) prevent or prohibit a person from disclosing voluntarily information concerning life settlement fraud to a law enforcement or regulatory agency other than the department; or

(4) limit the powers granted by the laws of this state to the commissioner or an insurance fraud unit to investigate and examine a possible violation of law and to take appropriate action against wrongdoers.

Sec. 1111A.022. LIFE SETTLEMENT ANTIFRAUD INITIATIVES. (a) A provider or broker shall implement antifraud initiatives reasonably calculated to detect, prosecute, and prevent fraudulent life settlement acts. At the discretion of the

commissioner, the commissioner may order, or a license holder may request and the commissioner may grant, a modification of the following required initiatives as necessary to ensure an effective antifraud program. A modification granted under this section may be more or less restrictive than the required initiatives so long as the modification may reasonably be expected to accomplish the purpose of this section.

Antifraud initiatives must include:

(1) fraud investigators, who may be provider or broker employees or independent contractors; and

(2) an antifraud plan, which must be submitted to the commissioner and must include:

(A) a description of the procedures for detecting and investigating possible fraudulent life settlement acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(B) a description of the procedures for reporting possible fraudulent life settlement acts to the commissioner;

(C) a description of the plan for antifraud education and training of underwriters and other personnel; and

(D) a description or chart outlining the organizational arrangement of the antifraud personnel who are responsible for the investigation and reporting of possible fraudulent life settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications.

(b) An antifraud plan submitted to the commissioner is privileged and confidential, is not subject to disclosure under Chapter 552, Government Code, and is not subject to discovery or subpoena in a civil action.

Sec. 1111A.023. INJUNCTION; CIVIL REMEDIES; CEASE AND DESIST ORDERS. (a) In addition to the penalties and other enforcement provisions of this chapter, if any person violates this chapter or any rule implementing this chapter, the commissioner may seek an injunction in a court in the county where the person resides or has a principal place of business and may apply for temporary and permanent orders that the commissioner determines necessary to restrain the person from further committing the violation.

(b) The commissioner may issue a cease and desist order against a person who violates any provision of this chapter, any rule or order adopted by the commissioner, or any written agreement entered into with the commissioner, in accordance with Chapter 82.

(c) If the commissioner finds that an action in violation of this chapter presents an immediate danger to the public and requires an immediate final order, the commissioner may issue an emergency cease and desist order under Chapter 83.

(d) The provisions of this chapter may not be waived by agreement. No choice of law provision may prevent the application of this chapter to any settlement.

Sec. 1111A.024. PENALTIES. (a) It is a violation of this chapter for any person, provider, broker, or any other party related to the business of life settlements to commit a fraudulent life settlement act.

(b) A person who knowingly, recklessly, or intentionally commits a fraudulent life settlement act commits a criminal offense and is subject to penalties under Chapter 35, Penal Code.

(c) Subtitle B, Title 2, applies to a violation of this chapter.

Sec. 1111A.025. APPLICABILITY OF OTHER INSURANCE LAWS. The following laws apply to a person engaged in the business of life settlements:

- (1) Chapters 82, 83, 84, 101, 481, 541, and 701;
- (2) Sections 31.002, 32.021, 32.023, 32.041, 38.001, 81.004, 86.001, 86.051, 86.052, 201.004, 401.051, 401.054, 401.151(a), 521.003, 521.004, 543.001(c), 801.056, and 862.052;
- (3) Subchapter A, Chapter 32;
- (4) Subchapter C, Chapter 36;
- (5) Subchapter B, Chapter 404; and
- (6) Subchapter B, Chapter 491.

SECTION _____. (a) A provider lawfully transacting business in this state before the effective date of this Act may continue to do so pending approval or disapproval of the person's application for a license as long as the application is filed with the commissioner of insurance not later than 30 days after the date of the publication by the commissioner of an application form and instructions for licensure of providers. If the publication of the application form and instructions is before the effective date of this Act, then the filing of the application may not be later than 30 days after the effective date of this Act and the applicant may use any form of life settlement contract that has been filed with the commissioner pending approval, provided that the form is otherwise in compliance with the provisions of this Act. A person transacting business in this state under this provision shall comply with all other requirements of this Act.

(b) A person who has lawfully negotiated a life settlement contract between an owner residing in this state and one or more providers for at least one year immediately before the effective date of this Act may continue to do so pending approval or disapproval of the person's application for a license provided that the application is filed with the commissioner of insurance not later than the 30th day after the date of publication by the commissioner of an application form and instructions for licensure of brokers. If the publication of the application form and instructions is before the effective date of this Act, then the filing of the application may not be later than the 30th day after the effective date of this Act. Any person transacting business in this state under this provision shall comply with all other requirements of this Act.

SECTION _____. The heading to Chapter 1111, Insurance Code, is amended to read as follows:

~~CHAPTER 1111. [LIFE AND VIATICAL SETTLEMENTS AND]~~
ACCELERATED TERM LIFE INSURANCE BENEFITS

SECTION _____. Subsection (a), Section 1551.255, Insurance Code, is amended to read as follows:

(a) In this section, "viatical settlement" has the meaning assigned to "life settlement contract" by Section 1111A.002 [~~1111.001~~].

SECTION _____. Subchapter A, Chapter 1111, Insurance Code, is repealed.

The amendment to **HB 2277** was read.

Senator Carona offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Carona to **HB 2277** as follows:

(1) In added Section 1111A.003(h), Insurance Code (page 13, lines 5 - 6), strike "disclose the identity of the applicant's stockholders that own at least 10 percent of the shares of an applicant the shares of which" and substitute "disclose the identity of its stockholders, except stockholders owning fewer than ten percent of the shares of an applicant whose shares".

(2) In added Section 1111A.012(a), Insurance Code (page 20, lines 26 - 29), strike "Not later than the fifth day after the date a provider receives the application for a life settlement contract, the provider shall provide, in a separate written document, the following information to the owner:" and substitute "The broker, or the provider if no broker is involved in the application, shall provide in writing, in a separate document that is signed by the owner, the following information to the owner not later than the date of application for a life settlement contract:".

(3) In added Chapter 1111A, Insurance Code, immediately following added Section 1111A.025 (between page 37 and 38), add the following:

Sec. 1111A.026. APPLICABILITY OF CERTAIN PROVISIONS TO LIFE EXPECTANCY ESTIMATORS. (a) The following provisions do not apply to a broker who acts solely as a life expectancy estimator:

(1) Section 1111A.003(p);

(2) Section 1111A.012; and

(3) Sections 1111A.014(l) and (m).

(b) The commissioner may exempt a broker who acts only as a life expectancy estimator from other provisions of this chapter if the commissioner finds that the application of those provisions to the broker are not necessary for the public welfare.

The amendment to Floor Amendment No. 1 to **HB 2277** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Question recurring on the adoption of Floor Amendment No. 1 to **HB 2277**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2277 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2277 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2277** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1146 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSHB 1146** at this time on its second reading:

CSHB 1146, Relating to the registration and regulation of appraisal management companies; providing penalties.

The motion prevailed.

Senators Birdwell, Estes, Patrick, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Estes, Patrick, Williams.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1146 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1146** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Patrick, Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

HOUSE BILL 1106 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1106** at this time on its second reading:

HB 1106, Relating to providing certain information to a criminal defendant at the time the defendant is placed on deferred adjudication community supervision and at the time of the dismissal of certain proceedings against the defendant.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1106 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1106** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1028 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1028** at this time on its second reading:

HB 1028, Relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1028 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1028** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1123 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 1123** at this time on its second reading:

HB 1123, Relating to the regulation of athlete agents; providing administrative and criminal penalties.

The motion prevailed.

Senators Birdwell and Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator West offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1123** (House Engrossed) as follows:

(1) On page 4, lines 8-10, strike the following:

"an arrest for a crime that in this state is an offense other than a Class C misdemeanor;"

(2) On page 4, lines 13-20, reletter the paragraphs of Section 2051(b)(3), Occupations Code, accordingly.

(3) On page 7, line 10, strike "arrest for" and substitute "conviction of".

(4) On page 7, line 17, strike "the arrest" and substitute "conviction."

The amendment to **HB 1123** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1123 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Nelson.

HOUSE BILL 1123 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1123** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 34 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 34** at this time on its second reading:

HB 34, Relating to including in the public high school curriculum instruction in methods of paying for postsecondary education and training.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 34** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 28.0021(b), Education Code (page 1, line 32), immediately following "section.", insert the following:

Each district and each open-enrollment charter school that offers a high school program shall ensure that a district or charter school student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit under Section 28.025 receives the instruction described under this subsection.

(2) In SECTION 1 of the bill, in added Section 28.0021(c), Education Code (page 1, line 44), between "Subsection (b)" and the period, insert "and shall ensure that the instruction described under this subsection is provided to a district or charter school student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit".

The amendment to **HB 34** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 34 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 34 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 27 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **HB 27** at this time on its second reading:

HB 27, Relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

The motion prevailed.

Senators Estes, Nelson, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Estes, Nelson, Shapiro.

HOUSE BILL 27 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Nelson, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2457 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2457** at this time on its second reading:

CSHB 2457, Relating to the Texas Enterprise Fund and the Texas emerging technology fund.

The bill was read second time.

Senator Hinojosa, on behalf of Senator Ogden, offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2457** (Senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 15), strike "amending Subsection (e) and adding Subsections (f-1) and (h-1)" and substitute "amending Subsections (c) and (e) and adding Subsections (d-1), (f-1), and (h-1)".

(2) In SECTION 1 of the bill, in amended Section 481.078, Government Code (page 1, between lines 16 and 17), insert the following:

(c) Except as provided by Subsections ~~Subsection~~ (d), and (d-1), the fund may be used only for economic development, infrastructure development, community development, job training programs, and business incentives.

(d-1) The fund may be used for the Texas homeless housing and services program administered by the Texas Department of Housing and Community Affairs. Subsections (e-1), (f), (f-1), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

(d-2) The fund may be used for the Jobs and Education for Texans Fund established under Chapter 403. Subsections (e-1), (f), (f-1), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 481.079, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For grants awarded for a purpose specified by Section 481.078(d-1), the report must include only the amount and purpose of each grant.

The amendment to **CSHB 2457** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2457** (Senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 15), strike "amending Subsection (e) and adding Subsections (f-1) and (h-1)" and substitute "amending Subsections (e) and (j) and adding Subsections (f-1), (f-2), and (h-1)".

(2) In SECTION 1 of the bill, following added Section 481.078(f-1), Government Code (page 1, between lines 37 and 38), insert the following:

(f-2) A grant agreement must contain a provision providing that if the recipient does not meet job creation performance targets as of the dates specified in the agreement, the recipient shall repay the grant in accordance with Subsection (j).

(3) In SECTION 1 of the bill, following added Section 481.078(h-1), Government Code (page 1, between lines 43 and 44), insert the following:

(j) Repayment of a grant under Subsection (f)(1)(A) shall ~~may~~ be prorated to reflect a partial attainment of job creation performance targets, and may be prorated for a partial attainment of other performance targets.

(4) In SECTION 19 of the bill (page 6, lines 47 and 48), strike "Section 480.078(f-1), Government Code, as added by this Act, applies" and substitute "Subsection (j), Section 481.078, Government Code, as amended by this Act, and Subsections (f-1) and (f-2), Section 481.078, Government Code, as added by this Act, apply".

The amendment to **CSHB 2457** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2457 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2457 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2457** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2229 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **HB 2229** at this time on its second reading:

HB 2229, Relating to the creation of the Texas HIV Medication Advisory Committee.

The motion prevailed.

Senators Birdwell, Hegar, Nichols, Patrick, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Hegar, Nichols, Patrick, Williams.

HOUSE BILL 2229 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2229** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Hegar, Nichols, Patrick, Williams.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills tomorrow at 7:30 a.m.:

SB 1837, HB 1355, HB 1580, HB 1804, HB 1859, HB 2382, HB 2592, HB 2707, HB 2982.

SENATE RULE 11.10(a) SUSPENDED**(Public Notice of Committee Meetings)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Nominations might meet today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Transportation and Homeland Security might meet today.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow during the Local and Uncontested Calendar Session.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today:

HB 362, HB 1228, HB 1278, HB 1821, HB 2761, HB 2779.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 3017** today.

COMMITTEE SUBSTITUTE
HOUSE BILL 275 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSHB 275** at this time on its second reading:

CSHB 275, Relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 275**, page 1, line 14, strike "\$3,973,557,000" and replace with "\$6,973,557,000".

The amendment to **CSHB 275** was read.

On motion of Senator Ogden, Floor Amendment No. 1 was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 275** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . TEXAS EDUCATION AGENCY: INCREASED BASIC ALLOTMENT UNDER FOUNDATION SCHOOL PROGRAM. Contingent on this Act being approved by a vote of two-thirds of the members present in each house of the legislature, as provided by Section 49-g(m), Article III, Texas Constitution, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the amount of \$1,100,000,000 is appropriated from Economic Stabilization Fund 0599 to the Texas Education Agency, Strategy A.1.1, FSP - Equalized Operations, for the two-year period beginning on the effective date of this Act to increase the basic allotment under Section 42.101, Education Code, to \$4,905 for the fiscal years beginning September 1, 2011, and September 1, 2012.

The amendment to **CSHB 275** was read.

Senator West withdrew Floor Amendment No. 2.

CSHB 275 was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell.

**COMMITTEE SUBSTITUTE
HOUSE BILL 275 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills today: **HB 2549**, **HB 2608**.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:36 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to recess, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

- HB 19** to Committee on Transportation and Homeland Security.
- HB 25** to Committee on Criminal Justice.
- HB 31** to Committee on Transportation and Homeland Security.
- HB 159** to Committee on State Affairs.
- HB 161** to Committee on Criminal Justice.
- HB 167** to Committee on Health and Human Services.
- HB 189** to Committee on Criminal Justice.
- HB 197** to Committee on Transportation and Homeland Security.
- HB 230** to Committee on Jurisprudence.
- HB 254** to Committee on State Affairs.
- HB 278** to Committee on Criminal Justice.
- HB 326** to Committee on Government Organization.
- HB 335** to Committee on Health and Human Services.
- HB 359** to Committee on Education.
- HB 427** to Committee on Intergovernmental Relations.
- HB 452** to Committee on Higher Education.
- HB 550** to Committee on Agriculture and Rural Affairs.
- HB 599** to Committee on Criminal Justice.
- HB 628** to Committee on State Affairs.
- HB 629** to Committee on Transportation and Homeland Security.

HB 677 to Committee on Education.
HB 680 to Committee on Health and Human Services.
HB 695 to Committee on Natural Resources.
HB 720 to Committee on State Affairs.
HB 737 to Committee on Intergovernmental Relations.
HB 804 to Committee on State Affairs.
HB 875 to Committee on Transportation and Homeland Security.
HB 882 to Committee on Business and Commerce.
HB 892 to Committee on Transportation and Homeland Security.
HB 940 to Committee on Criminal Justice.
HB 963 to Committee on Criminal Justice.
HB 995 to Committee on State Affairs.
HB 1036 to Committee on State Affairs.
HB 1046 to Committee on State Affairs.
HB 1122 to Committee on Criminal Justice.
HB 1129 to Committee on State Affairs.
HB 1234 to Committee on Economic Development.
HB 1244 to Committee on Higher Education.
HB 1250 to Committee on Intergovernmental Relations.
HB 1363 to Committee on Transportation and Homeland Security.
HB 1386 to Committee on Education.
HB 1408 to Committee on Veteran Affairs and Military Installations.
HB 1429 to Committee on Intergovernmental Relations.
HB 1476 to Committee on Health and Human Services.
HB 1544 to Committee on Transportation and Homeland Security.
HB 1547 to Committee on Natural Resources.
HB 1563 to Committee on Business and Commerce.
HB 1608 to Committee on State Affairs.
HB 1646 to Committee on Criminal Justice.
HB 1681 to Committee on Business and Commerce.
HB 1766 to Committee on State Affairs.
HB 1793 to Committee on Business and Commerce.
HB 1856 to Committee on Criminal Justice.
HB 1921 to Committee on Transportation and Homeland Security.
HB 1969 to Committee on Agriculture and Rural Affairs.
HB 2032 to Committee on Transportation and Homeland Security.
HB 2060 to Committee on State Affairs.
HB 2089 to Committee on State Affairs.
HB 2093 to Committee on State Affairs.
HB 2119 to Committee on Criminal Justice.
HB 2120 to Committee on State Affairs.
HB 2292 to Committee on State Affairs.
HB 2338 to Committee on Intergovernmental Relations.
HB 2357 to Committee on Transportation and Homeland Security.
HB 2365 to Committee on Higher Education.
HB 2369 to Committee on Health and Human Services.

- HB 2380** to Committee on Education.
HB 2383 to Committee on Finance.
HB 2408 to Committee on Business and Commerce.
HB 2417 to Committee on Veteran Affairs and Military Installations.
HB 2443 to Committee on Transportation and Homeland Security.
HB 2446 to Committee on Health and Human Services.
HB 2449 to Committee on State Affairs.
HB 2493 to Committee on Economic Development.
HB 2496 to Committee on Criminal Justice.
HB 2507 to Committee on Natural Resources.
HB 2525 to Committee on Business and Commerce.
HB 2603 to Committee on Business and Commerce.
HB 2688 to Committee on Veteran Affairs and Military Installations.
HB 2722 to Committee on Health and Human Services.
HB 2729 to Committee on Economic Development.
HB 2788 to Committee on Health and Human Services.
HB 2819 to Committee on Health and Human Services.
HB 2884 to Committee on Transportation and Homeland Security.
HB 2917 to Committee on Transportation and Homeland Security.
HB 2931 to Committee on Business and Commerce.
HB 2990 to Committee on Transportation and Homeland Security.
HB 3018 to Committee on Education.
HB 3030 to Committee on Transportation and Homeland Security.
HB 3064 to Committee on Transportation and Homeland Security.
HB 3123 to Committee on Health and Human Services.
HB 3167 to Committee on Business and Commerce.
HB 3172 to Committee on Jurisprudence.
HB 3237 to Committee on Veteran Affairs and Military Installations.
HB 3268 to Committee on Natural Resources.
HB 3275 to Committee on Economic Development.
HB 3320 to Committee on Criminal Justice.
HB 3324 to Committee on Transportation and Homeland Security.
HB 3390 to Committee on Transportation and Homeland Security.
HB 3410 to Committee on Business and Commerce.
HB 3422 to Committee on Transportation and Homeland Security.
HB 3439 to Committee on Jurisprudence.
HB 3453 to Committee on Business and Commerce.
HB 3461 to Committee on Higher Education.
HB 3462 to Committee on Intergovernmental Relations.
HB 3474 to Committee on Criminal Justice.
HB 3542 to Committee on State Affairs.
HB 3589 to Committee on Business and Commerce.
HB 3597 to Committee on Natural Resources.
HB 3611 to Committee on Health and Human Services.
HB 3624 to Committee on Higher Education.
HB 3691 to Committee on Criminal Justice.

HB 3696 to Committee on Agriculture and Rural Affairs.
HB 3746 to Committee on Criminal Justice.
HB 3747 to Committee on State Affairs.
HB 3754 to Committee on Natural Resources.
HB 3812 to Committee on Intergovernmental Relations.
HB 3833 to Committee on Jurisprudence.
HB 3841 to Committee on Transportation and Homeland Security.
HB 3842 to Committee on Intergovernmental Relations.
HB 3845 to Committee on Intergovernmental Relations.
HB 3861 to Committee on Intergovernmental Relations.
HCR 74 to Committee on Health and Human Services.

CO-AUTHOR OF SENATE BILL 354

On motion of Senator Wentworth, Senator Shapiro will be shown as Co-author of **SB 354**.

CO-AUTHOR OF SENATE BILL 1175

On motion of Senator Jackson, Senator Davis will be shown as Co-author of **SB 1175**.

CO-AUTHOR OF SENATE BILL 1574

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1574**.

CO-SPONSOR OF HOUSE BILL 243

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-sponsor of **HB 243**.

CO-SPONSOR OF HOUSE BILL 1395

On motion of Senator Watson, Senator Hegar will be shown as Co-sponsor of **HB 1395**.

CO-SPONSOR OF HOUSE BILL 2457

On motion of Senator Jackson, Senator Davis will be shown as Co-sponsor of **HB 2457**.

CO-SPONSOR OF HOUSE BILL 3470

On motion of Senator Ogden, Senator Davis will be shown as Co-sponsor of **HB 3470**.

CO-SPONSORS OF HOUSE CONCURRENT RESOLUTION 18

On motion of Senator Shapiro, Senators Birdwell, Deuell, Fraser, Nelson, and Seliger will be shown as Co-sponsors of **HCR 18**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1003 by Ellis, In memory of Jerome Levy of Houston.

SR 1004 by Ellis, In memory of Clifton Gilmore, Jr., of Wadesboro, North Carolina.

Congratulatory Resolutions

SR 994 by Whitmire, Recognizing the Harris County Historical Commission on the dedication of the Centennial Marker replica honoring Lorenzo de Zavala.

SR 995 by West, Recognizing the Dallas County Community Supervision and Corrections Department on the occasion of Probation, Parole, and Community Supervision Week.

SR 997 by Wentworth, Recognizing Lavern Kistner on the occasion of her retirement from Brooks City-Base.

SR 998 by Lucio, Commending Taylor Sheneman for achieving the rank of Eagle Scout.

SR 999 by Lucio, Recognizing Juan Barrientes, Sr., of Brownsville on the occasion of his 80th birthday.

SR 1001 by Jackson, Recognizing Eugene A. Cernan for his service to the nation as a naval aviator and astronaut.

SR 1002 by Ellis, Recognizing Harmony Schools on the occasion of their 10th anniversary.

SR 1005 by Davis, Recognizing the South Hemphill Heights Neighborhood Association on the occasion of its 22nd anniversary.

RECESS

Pursuant to a previously adopted motion, the Senate at 1:46 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 16, 2011

STATE AFFAIRS — **CSHB 360, CSHB 2973**

OPEN GOVERNMENT — **CSHB 2313**

HEALTH AND HUMAN SERVICES — **CSHB 3342**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 513, CSHB 109, CSHB 630, CSHB 1899, CSHB 3510**

GOVERNMENT ORGANIZATION — **CSHB 1504, CSHB 2605**

STATE AFFAIRS — **CSHB 2477**

NATURAL RESOURCES — **CSHB 1981, CSHB 725**

CRIMINAL JUSTICE — CSHB 1964

BUSINESS AND COMMERCE — CSSB 1920, CSHB 8

HEALTH AND HUMAN SERVICES — CSHB 2904, CSHB 1615

INTERNATIONAL RELATIONS AND TRADE — CSHB 397

BILLS ENGROSSED

May 13, 2011

**SB 1424, SB 1520, SB 1652, SB 1658, SB 1695, SB 1696, SB 1697, SB 1698,
SB 1699, SB 1826**

RESOLUTIONS ENROLLED

May 13, 2011

SR 984, SR 985, SR 986, SR 987, SR 992, SR 993, SR 1000

SENT TO SECRETARY OF STATE

May 16, 2011

SJR 28

SENT TO GOVERNOR

May 16, 2011

**SB 198, SB 250, SB 279, SB 529, SB 551, SB 748, SB 758, SB 1024, SB 1107,
SB 1478, SB 1505, SCR 45, SCR 46, SCR 52**

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIRST DAY

(Continued)

(Tuesday, May 17, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Uresti.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

SB 856 (Van de Putte)

Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

(viva voce vote) (31-0) (31-0)

CSSB 1358 (Lucio)

Relating to electronically transmitting a warrant for emergency detention.

(viva voce vote) (31-0) (31-0)

SB 1405 (Hinojosa)

Relating to the right of a person exempt from registration as a property tax consultant who files a protest with the appraisal review board on behalf of a property owner to receive notices from the board regarding the property subject to the protest.

(viva voce vote) (31-0) (31-0)

CSSB 1724 (Zaffirini)

Relating to conditions on the receipt of tuition and fee exemptions at public institutions of higher education.

(viva voce vote) (31-0) (31-0)

SB 1925 (Eltife)

Relating to the designation of a portion of U.S. Highway 271 as the Sergeant Jay M. Hoskins Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 35 (Van de Putte)

Relating to extending a local behavioral health intervention pilot project.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

HB 118 (Uresti)

Relating to requiring the provision of notice by certain hospitals regarding patients' medical records.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

HB 184 (West)

Relating to the cancellation of a special election to fill a vacancy in the legislature.

(viva voce vote) (31-0) (31-0)

HB 266 (Duncan)

Relating to the use of address-matching software by certain state agencies.

(viva voce vote) (31-0) (31-0)

HB 315 (Deuell)

Relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

CSHB 345 (Wentworth)

Relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.

(viva voce vote) (31-0) (31-0)

HB 434 (West)

Relating to the minimum standards for licensed child-care facilities and registered family homes.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

HB 460 (Ogden)

Relating to the board of directors of the Trinity Memorial Hospital District.

(viva voce vote) (31-0) (31-0)

HB 479 (Birdwell)

Relating to the location of board meetings of certain economic development corporations.

(viva voce vote) (31-0) (31-0)

HB 591 (Wentworth)

Relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 625 (Carona)

Relating to notice of staff leasing services company workers' compensation claim and payment information; providing an administrative violation.

(viva voce vote) (31-0) (31-0)

HB 650 (Uresti)

Relating to property held by certain junior colleges and presumed abandoned.

(viva voce vote) (31-0) (31-0)

HB 679 (Carona)

Relating to change order approval requirements for certain political subdivisions of the state.

(viva voce vote) (31-0) (31-0)

HB 726 (Huffman)

Relating to the electronic distribution of information to legislators by state agencies.

(viva voce vote) (31-0) (31-0)

HB 885 (Watson)

Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

(viva voce vote) (31-0) (31-0)

CSHB 943 (Nelson)

Relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.

(viva voce vote) (31-0) (31-0)

HB 988 (Whitmire)

Relating to compensatory time accrued by a correctional officer employed by the Texas Department of Criminal Justice.

(viva voce vote) (31-0) (31-0)

HB 989 (Hegar)

Relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

(viva voce vote) (31-0) (31-0)

HB 993 (Watson)

Relating to the closure of a road or highway by certain firefighters.

(viva voce vote) (31-0) (31-0)

HB 1130 (Seliger)

Relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.

(viva voce vote) (31-0) (31-0)

CSHB 1136 (Fraser)

Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

(viva voce vote) (31-0) (31-0)

HB 1174 (Wentworth)

Relating to the expiration of a county burn ban.

(viva voce vote) (31-0) (31-0)

HB 1263 (Shapiro)

Relating to the powers, duties, and financing of certain facilities finance corporations.

(viva voce vote) (31-0) (31-0)

HB 1344 (Deuell)

Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

(viva voce vote) (31-0) (31-0)

HB 1449 (Zaffirini)

Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)**HB 1488** (Van de Putte)

Relating to examinations for hiring in certain municipal fire departments.

(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

HB 1503 (Nichols)

Relating to the qualifications to serve as a special peace officer at a polling place.

(viva voce vote) (31-0) (31-0)

HB 1545 (Watson)

Relating to the authority of certain political subdivisions to change the date of their general elections.

(viva voce vote) (31-0) (31-0)

HB 1550 (Seliger)

Relating to participation in state travel service contracts by open-enrollment charter schools.

(viva voce vote) (31-0) (31-0)

HB 1566 (Gallegos)

Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

(viva voce vote) (31-0) (31-0)

HB 1567 (Gallegos)

Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

(viva voce vote) (31-0) (31-0)

HB 1570 (Williams)

Relating to training for deputy voter registrars.

(viva voce vote) (31-0) (31-0)

HB 1770 (Whitmire)

Relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.

(viva voce vote) (31-0) (31-0)

HB 1779 (Watson)

Relating to an exemption from private security regulation for social workers engaged in the practice of social work.

(viva voce vote) (31-0) (31-0)

HB 1861 (Whitmire)

Relating to the continuation and functions of the Commission on State Emergency Communications.

(viva voce vote) (31-0) (31-0)

HB 1862 (West)

Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

(viva voce vote) (31-0) (31-0)

HB 1869 (West)

Relating to local governments that may consider a bidder's principal place of business when awarding a contract.

(viva voce vote) (31-0) (31-0)

HB 2033 (Eltife)

Relating to the separate statement of the mixed beverage tax for informational purposes.

(viva voce vote) (31-0) (31-0)

HB 2144 (Uresti)

Relating to the use of uniform election dates by newly incorporated municipalities.

(viva voce vote) (31-0) (31-0)

CSHB 2154 (Ellis)

Relating to certain continuing education requirements for agents who sell annuities.

(viva voce vote) (31-0) (31-0)

HB 2251 (Whitmire)

Relating to the continuation and functions of the Texas Public Finance Authority.

(viva voce vote) (31-0) (31-0)

HB 2351 (Van de Putte)

Relating to the authority of the Bexar County Hospital District to employ physicians.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

HB 2495 (Carona)

Relating to cemeteries and perpetual care cemetery corporations; providing a penalty.
(viva voce vote) (31-0) (31-0)

HB 2615 (Rodriguez)

Relating to the provision of information on financial literacy resources to the public.
(viva voce vote) (31-0) (31-0)

HB 2631 (Zaffirini)

Relating to the advanced research program.
(viva voce vote) (31-0) (31-0)

HB 2670 (Ellis)

Relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.
(viva voce vote) (31-0) (31-0)

HB 2699 (Carona)

Relating to the requirements for an insurance adjuster license.
(viva voce vote) (31-0) (31-0)

HB 2866 (Ellis)

Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.
(viva voce vote) (31-0) (31-0)

HB 2920 (Hegar)

Relating to the authority of a governing body of a Type C General Law City to adopt an ordinance to determine the manner of when commissioners run for elected office.
(viva voce vote) (31-0) (31-0)

HB 2935 (Zaffirini)

Relating to the appointment of a court reporter by a criminal law magistrate in Bexar County.
(viva voce vote) (31-0) (31-0)

HB 3004 (Carona)

Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.
(viva voce vote) (31-0) (31-0)

HB 3141 (Carona)

Relating to the registration and protection of trademarks.
(viva voce vote) (31-0) (31-0)

HB 3255 (Van de Putte)

Relating to the creation of guidelines for the Office of the State Demographer to encourage the inclusion of a broad variety of racial/ethnic groups in estimates and projections.
(viva voce vote) (31-0) (31-0)

HB 3389 (Watson)

Relating to a seller's disclosure of natural or liquid propane gas on residential real property.

(viva voce vote) (31-0) (31-0)

HB 3570 (Carona)

Relating to insurance coverage requirements for certain amusement rides.

(viva voce vote) (31-0) (31-0)

CSHB 3726 (Van de Putte)

Relating to the preservation and maintenance of the Alamo by the General Land Office.

(viva voce vote) (31-0) (31-0)

HB 3847 (Eltife)

Relating to the Riverbend Water Resources District.

(viva voce vote) (31-0) (31-0)

HCR 33 (Hinojosa)

Authorizing the burial of Susana I. Aleman in the State Cemetery.

(viva voce vote)

HCR 69 (Eltife)

Directing the Texas Facilities Commission to name the Department of State Health Services Laboratory Services Section building in Austin in honor of former state representative Dr. Bob Glaze.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Zaffirini, sponsor of the bill, requested in writing that **HB 871** be removed from the Local and Uncontested Calendar.

Senator Carona, sponsor of the bill, requested in writing that **HB 1573** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

RECESS

Pursuant to a previously adopted motion, the Senate at 8:31 a.m. recessed until 11:00 a.m. today.

AFTER RECESS

The Senate met at 11:17 a.m. and was called to order by President Pro Tempore Ogden.

Pastor Charles Patterson, Church of the Hills, Cedar Park, was introduced by Senator Eltife, on behalf of Senator Ogden, and offered the invocation as follows:

Father in heaven, thank You for the Members, the men and women of this legislative body. Thank You for their willingness to make personal sacrifices to serve us, the people of the State of Texas. Bless their homes, their families, their vocational pursuits, and their finances. Thank You for those who assist them and grant them a sense of personal well-being. Father, I pray that Your counsel and Your wisdom would prevail in the remaining deliberations and decisions of this legislative session. May the decisions made here reflect Your heart and Your purposes for the people of the State of Texas. Father, the scripture declares that You are good. May we, the people of the State of Texas, live with Your favor and goodness resting upon us. I ask that You break the drought conditions that have plagued our state and send the rains to water the earth. May the people of our state prosper in body, soul, mind, and spirit. Bless our nation, and may the decisions made here serve the best interest of our state as well as our nation. I ask these things in the name of Jesus Christ. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 17, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

- HB 563** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 699** (143 Yeas, 1 Nays, 1 Present, not voting)
- HB 843** (137 Yeas, 0 Nays, 2 Present, not voting)
- HB 848** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 908** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 1061** (141 Yeas, 0 Nays, 2 Present, not voting)
- HB 1380** (142 Yeas, 1 Nays, 2 Present, not voting)
- HB 1405** (142 Yeas, 0 Nays, 1 Present, not voting)
- HB 1674** (143 Yeas, 0 Nays, 1 Present, not voting)
- HB 1829** (141 Yeas, 0 Nays, 1 Present, not voting)

HB 2035 (142 Yeas, 1 Nays, 1 Present, not voting)

HB 2271 (120 Yeas, 20 Nays, 2 Present, not voting)

HB 2360 (131 Yeas, 2 Nays, 1 Present, not voting)

HB 2376 (105 Yeas, 37 Nays, 2 Present, not voting)

HB 3487 (143 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1112 (non-record vote)

House Conferees: Phillips - Chair/Fletcher/Harper-Brown/Lavender/Pickett

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 28 (non-record vote)

House Conferees: Branch - Chair/Howard, Donna/Hunter/Patrick, Diane/Villarreal

SB 313 (non-record vote)

House Conferees: Price - Chair/Beck/Lucio III/Miller, Doug/Ritter

SB 1420 (non-record vote)

House Conferees: Harper-Brown - Chair/Bonnen/McClendon/Phillips/Pickett

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 14 (98 Yeas, 46 Nays, 1 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 1956 (142 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Julie Graves Moy of Austin as the Physician of the Day.

The Senate welcomed Dr. Moy and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE CONCURRENT RESOLUTION 52

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is pleased to recognize Donn and Arlene Adelman, whose civic commitment has contributed greatly to the quality of life in Austin and beyond; and

WHEREAS, Donn and Arlene Adelman have played a vital role in raising money for Crime Stoppers, an organization dedicated to assisting law enforcement agencies in the fight against crime; and

WHEREAS, This generous couple owns and operates the legendary Donn's Depot, an iconic business that has been named by *Esquire* magazine as one of the top ten beer joints in the nation; for 33 years, they have provided a venue where hospitality and music combine to create a welcoming atmosphere in which people from all walks of life come together; and

WHEREAS, Donn and Arlene met as students at The University of Texas at Austin, and they have been married 46 years; Arlene served as a teacher in the Austin Independent School District, and Donn has over the course of several decades mentored generations of young musicians and encouraged them in their careers; and

WHEREAS, Each year, Donn and Arlene host a golf tournament for Crime Stoppers in memory of their son who was killed in a robbery; the tournament has raised thousands of dollars to help make the community a safer place, and Donn and Arlene are truly deserving of recognition for their outstanding work with this worthy organization; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby commend Donn and Arlene Adelman on their legacy of service to the community and their dedicated efforts on behalf of Crime Stoppers and extend to them best wishes for continued success in all their future endeavors; and, be it further

RESOLVED, That a copy of this resolution be prepared for this distinguished couple as an expression of esteem from the Texas Legislature.

WATSON

SCR 52 was again read.

The resolution was previously adopted on Wednesday, May 4, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Donn and Arlene Adelman.

The Senate welcomed its guests.

SENATE RESOLUTION 963

Senator Birdwell offered the following resolution:

SR 963, Celebrating May 17, 2011, as BEST Robotics Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Tuesday, May 10, 2011.

GUESTS PRESENTED

Senator Birdwell, joined by Senators Van de Putte and Estes, was recognized and introduced to the Senate a BEST Robotics Day delegation: Kat Dominquez, Mark Joaquin, Louann and Ronnie Pundt, Melody Crabb, Douglas Hansen, and Becky Musil of Texas State Technical College Waco.

The Senate welcomed its guests.

**SENATE RULE 3.04 SUSPENDED
(Posters, Placards, Banners, and Signs)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 3.04 was suspended to allow material relative to **CSSB 31** to be displayed in the Senate Chamber.

**SENATE RULE 2.02 SUSPENDED
(Restrictions on Admission)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 2.02 was suspended to grant floor privileges to a staff member from each Senator's office during the deliberation of **CSSB 31**.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Commissioners, Board of Pilot Commissioners for Galveston County Ports: Edward Alois Janek, Galveston County; Henry Stephen Porretto, Galveston County; Linda Raedene Rounds, Galveston County; James Earl Toups, Galveston County.

Member, Board of Directors, Brazos River Authority: Henry William Munson, Brazoria County.

Member, Coastal Coordination Council: Jerry A. Mohn, Galveston County.

Members, Family and Protective Services Council: Patricia B. Cole, Tarrant County; Anna Maria Jimenez-Martinez, Nueces County; Benny W. Morris, Johnson County.

Members, Governing Board, Texas School for the Deaf: Jean F. Andrews, Jefferson County; Shalia H. Cowan, Hays County; Tyran Paul Lee, Harris County; Connie Fay Sefcik-Kennedy, Travis County.

Members, Board of Directors, Lavaca-Navidad River Authority: Jerry Lynn Adelman, Matagorda County; David Martin Muegge, Jackson County.

Member, Board of Directors, Lower Colorado River Authority: Sandra Lea Wright Kibby, Comal County.

Commissioner, Pecos River Compact Commission: Fredrick A. Rylander, Pecos County.

Members, State Securities Board: David Alan Appleby, El Paso County; Greg Alan Waldrop, Travis County.

Members, Texas Board of Architectural Examiners: Debra J. Dockery, Bexar County; Paula Ann Miller, Montgomery County; Sonya B. Odell, Dallas County.

Members, Texas Board of Professional Land Surveying: Mary Ellen Chruszczak, Montgomery County; Gerardo M. Garcia, Nueces County; Paul Pong Kin Kwan, Harris County.

Members, Texas Commission on the Arts: Rita Esther Baca, El Paso County; Dale Wills Brock, Wichita County; Linda Lowes Hatchel, McLennan County; Patty Hayes Huffines, Travis County; Liza Billups Lewis, Bexar County; Jacoba-Jetske S. Russell, Dallas County; Stephanie Shawn Stephens, Harris County.

Members, Texas Farm and Ranch Lands Conservation Council: Pamela Jean McAfee, Hays County; George David Scott, Fort Bend County.

Members, Texas Higher Education Coordinating Board: Durga D. Agrawal, Harris County; Dennis Donia Golden, Panola County; Harold Wayne Hahn, El Paso County.

Members, Board of Directors, Trinity River Authority of Texas: Harold Lynn Barnard, Ellis County; William W. Collins, Tarrant County; Christina Melton Crain, Dallas County; Michael Cronin, Kaufman County; Steve Wayne Cronin, San Jacinto County; Amanda Boswell Davis, Leon County; Martha Ann Hernandez, Tarrant County; Dennis Joe McCleskey, Trinity County; J. Carol Spillars, Madison County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RESOLUTION 988

Senator West offered the following resolution:

SR 988, Congratulating the Mountain View College Lions men's basketball team on winning the 2011 National Junior College Athletic Association Division III national championship.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the Mountain View College Lions men's basketball team, accompanied by Coaches LeRoi Phillips, Belvis Noland, and Frederick Washington.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 31 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 31** at this time on its second reading:

CSSB 31, Relating to the composition of the districts for the election of members of the Texas Senate.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Lucio.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 31** in Article II of the bill by striking SECTIONS 2, 8, 9, 10, 12, 16, 22, 23, and 30 and substituting the following:

SECTION 2. District 2 is composed of Delta, Fannin, Hopkins, Hunt, Kaufman, Rains, Rockwall and Van Zandt Counties; and Dallas County tracts 017001, 017003, 017301, 017303, 017304, 017305, 017306, 017400, 017500, 017604, 017702, 017703, 017704, 017808, 017811, 017812, 017814, 018104, 018105, 018110, 018111, 018118, 018120, 018121, 018122, 018123, 018124, 018126, 018128, 018129, 018130, 018132, 018133, 018134, 018135, 018136, 018137, 018138, 018139, 018140, 018141, 018142, 018203, 018204, 018205, 018206, 018600, 018700, 018801, 018802, 018900, 019021, 019025, 019026, 019027, 019028, 019029, 019042 and 019043; and that part of Dallas County tract 017004 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2065, 2066, 2067 and 2068; and that part of Dallas County tract 017101 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1040, 1043, 1044, 1045, 1046, 1047, 1056, 1061, 1062, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2026 and 2027; and that part of Dallas County tract 017202 included in block group 1 and blocks 3000, 3010, 3011, 3013, 3014, 3015, 3022, 3023, 3042, 3043, 3045, 4000, 4001, 4009, 4010, 4011, 4012, 4013, 4029, 4030, 4031 and 4033; and that part of Dallas County tract 017606 included in blocks 3000, 3001, 3002, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3029, 3030, 3033 and 3034; and that part of Dallas County tract 017813 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015; and that part of Dallas County

tract 018300 included in block groups 1, 2, 4 and 5 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3028, 3029, 3030, 3031, 3032, 3039 and 3040; and that part of Dallas County tract 018402 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015; and that part of Dallas County tract 018501 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 3000, 3002 and 3015; and that part of Dallas County tract 019020 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2023, 2024, 2025 and 2031; and that part of Dallas County tract 019023 included in blocks 1000, 1008, 1009, 1010, 1019, 1020, 4000, 4012, 4013, 4018, 4019, 4020 and 4021; and that part of Dallas County tract 019024 included in blocks 1000, 1005, 1008 and 1009; and that part of Dallas County tract 019031 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072 and 1073; and that part of Dallas County tract 019036 included in blocks 1009, 1010, 1013, 1014, 2000, 2008, 2009 and 2043; and that part of Dallas County tract 019037 included in blocks 1000, 1008, 2000, 2010, 2011, 2017, 2018, 2019, 2020, 2021, 2035, 2036 and 2037.

SECTION 8. District 8 is composed of Collin County tracts 030404, 030405, 030406, 030407, 030504, 030505, 030506, 030507, 030508, 030509, 030510, 030511, 030512, 030513, 030514, 030515, 030516, 030517, 030525, 030526, 030527, 030528, 030529, 030530, 030531, 030601, 030603, 030702, 030801, 030802, 031312, 031313, 031315, 031316, 031405, 031406, 031408, 031409, 031410, 031411, 031504, 031505, 031506, 031507, 031508, 031611, 031612, 031613, 031621, 031622, 031623, 031624, 031625, 031626, 031627, 031628, 031629, 031630, 031631, 031632, 031633, 031634, 031635, 031636, 031637, 031638, 031639, 031640, 031641, 031642, 031643, 031645, 031646, 031647, 031648, 031649, 031652, 031653, 031654, 031655, 031656, 031657, 031658, 031659, 031660, 031661, 031662, 031663, 031664, 031704, 031706, 031708, 031709, 031711, 031712, 031713, 031714, 031715, 031716, 031717, 031718, 031719, 031720, 031802, 031804, 031805, 031806, 031807, 031900, 032003, 032004, 032008, 032009, 032010, 032011, 032012 and 032013; and that part of Collin County tract 030408 included in block groups 3, 4 and 5 and blocks 1011, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1083, 1084, 1086, 1087, 1088, 1089, 1090, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043,

2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2058; and that part of Collin County tract 030701 included in block group 2 and blocks 1079, 1080, 1081, 1082, 1083, 1084, 1085 and 1086; and that part of Collin County tract 030900 included in block groups 2, 3, 4 and 5 and blocks 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1073, 1074, 1075 and 1076; and that part of Collin County tract 031001 included in blocks 3013 and 3017; and that part of Collin County tract 031314 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058 and 1059; and that part of Collin County tract 031317 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063 and 2064; and that part of Collin County tract 031407 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058 and 3060; and Dallas County tracts 013618, 019038, 019100, 019205, 019206, 019210 and 019211; and that part of Dallas County tract 013605 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024 and 1027; and that part of Dallas County tract 013617 included in block group 1; and that part of Dallas County tract 013619 included in blocks 1000, 1001, 1002, 1003, 1006, 1007, 1019, 2000, 2001, 2002, 2003, 2004, 2005 and 2006; and that part of Dallas County tract 019004 included in block groups 1, 2 and 5; and that part of Dallas County tract 019023 included in block groups 2 and 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4014, 4015, 4016, 4017, 4022, 4023, 4024, 4025, 4026 and 4027; and that part of Dallas County tract 019024 included in block groups 2, 3 and 4 and blocks 1001, 1002, 1003, 1004, 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015 and 1016; and that part of Dallas County tract 019031 included in block 1046; and that part of Dallas County tract 019036 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042; and that part of Dallas County tract 019037

included in block group 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034; and that part of Dallas County tract 019039 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6021, 6022, 6023, 6028 and 6029; and that part of Dallas County tract 019040 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1044, 1055, 1056, 1095, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1128, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4035 and 4036; and that part of Dallas County tract 019041 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 019202 included in block groups 1, 2 and 5 and blocks 3000, 3001, 3002, 3003, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 4000, 4001, 4002, 4003, 4004 and 4009; and that part of Dallas County tract 019203 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022 and 4023; and that part of Dallas County tract 019204 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2028; and Denton County tracts 021611, 021612, 021613, 021614, 021615, 021616, 021621, 021627, 021628, 021630, 021631, 021632, 021633, 021634, 021635, 021636, 021637 and 021638; and that part of Denton County tract 021620 included in block 1016; and that part of Denton County tract 021622 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019; 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066 and 1067; and that part of Denton County tract 021625 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2098, 2099, 2103, 2106, 2108, 2125, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138,

2143, 2144, 2145, 2146, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172 and 2173; and that part of Denton County tract 021626 included in block group 1 and blocks 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058 and 2059; and that part of Denton County tract 021629 included in blocks 1043, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2015; and that part of Denton County tract 021738 included in blocks 1075, 1076, 1077, 1078, 1079, 1080 and 1081.

SECTION 9. District 9 is composed of Tarrant County tracts 100601, 100602, 102100, 102201, 102301, 102302, 102402, 102700, 102800, 104100, 104201, 104202, 105007, 105008, 105201, 105203, 105204, 105205, 105404, 105405, 105406, 105502, 105503, 105505, 105507, 105508, 105510, 105511, 105512, 105513, 105514, 105600, 105701, 105703, 106600, 106700, 110500, 110600, 110701, 110703, 110704, 110805, 110806, 110807, 110808, 110809, 110901, 110903, 110905, 110906, 110907, 110908, 111008, 111010, 111013, 111015, 111016, 111017, 111018, 111203, 111204, 111301, 111304, 111306, 111307, 111308, 111309, 111310, 111311, 111312, 111313, 111314, 111402, 111404, 111405, 111406, 111407, 111408, 111409, 111505, 111506, 111513, 111514, 111516, 111521, 111522, 111523, 111524, 111525, 111526, 111529, 111530, 111531, 111532, 111533, 111534, 111536, 111537, 111538, 111539, 111540, 111541, 111542, 111543, 111544, 111545, 111546, 111547, 111548, 111549, 111550, 111551, 111552, 111553, 114003, 114006, 114007, 114008, 114205, 114206, 114207, 121601, 121606, 121608, 121609, 121610, 121611, 122300, 122400, 122500, 122600, 122700, 122801, 122802 and 123000; and that part of Tarrant County tract 100502 included in block group 5; and that part of Tarrant County tract 100700 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027 and 1028; and that part of Tarrant County tract 102202 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042; and that part of Tarrant County tract 102401 included in block groups 1, 2 and 3 and blocks 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4014, 4015, 4016, 4017, 4018 and 4019; and that part of Tarrant County tract 102601 included in blocks 1000, 1001, 1002 and 2000; and that part of Tarrant County tract 102602 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Tarrant County tract 104300 included in block groups 2, 4, 5 and 6 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011,

3012, 3014, 3015, 3016, 3017, 3018, 3019 and 3020; and that part of Tarrant County tract 104400 included in block groups 1 and 5; and that part of Tarrant County tract 104802 included in blocks 3014, 3017 and 3018; and that part of Tarrant County tract 105403 included in block groups 2, 3, 4 and 5 and blocks 1021, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044 and 1045; and that part of Tarrant County tract 105800 included in block groups 1 and 3; and that part of Tarrant County tract 106004 included in block 2043; and that part of Tarrant County tract 106400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 2011, 2012, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070 and 2071; and that part of Tarrant County tract 110401 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2041, 2042, 2043, 2044, 2045, 2058, 2059 and 2060; and that part of Tarrant County tract 110402 included in block group 5; and that part of Tarrant County tract 111003 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1030, 1031, 1032, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1046, 1047, 1048, 1053, 1054 and 1055; and that part of Tarrant County tract 111005 included in blocks 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050 and 4051; and that part of Tarrant County tract 111011 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068 and 2069; and that part of Tarrant County tract 113916 included in block group 1 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019 and 3020; and that part of Tarrant County tract 113923 included in block group 1 and blocks 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017; and that part of Tarrant County tract 113924 included in block group 2 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1026, 1027, 1028, 1029, 1030, 1031 and 1032; and that part of Tarrant County tract 113925 included in block group 2 and blocks 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012 and 3013; and that part of Tarrant County tract 113926 included in blocks 1002, 1003, 1004, 1005, 1006, 1020, 1021, 1022, 1034, 1035, 1036, 1037, 1038, 1039, 1044, 1045, 1046, 1047, 1048, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047,

4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071 and 4072; and that part of Tarrant County tract 114005 included in block groups 1 and 3 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017; and that part of Tarrant County tract 114102 included in block groups 2, 3, 4, 5 and 6 and blocks 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1038; and that part of Tarrant County tract 114103 included in block 7050; and that part of Tarrant County tract 114204 included in block group 1 and blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 3008, 3009, 3010, 3011, 3012, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3037, 3038 and 3039; and that part of Tarrant County tract 121604 included in block groups 2, 3 and 4; and that part of Tarrant County tract 121605 included in block groups 2 and 3; and that part of Tarrant County tract 122200 included in block group 2 and blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019; and that part of Tarrant County tract 123400 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075 and 2076.

SECTION 10. District 10 is composed of Dallas County tracts 000404, 000405, 000605, 000701, 000800, 001302, 001502, 001503, 001504, 002400, 002500, 004201, 004202, 004400, 004500, 004600, 004700, 005000, 005100, 005200, 005300, 005600, 006301, 006302, 006401, 006402, 006501, 006502, 006700, 006800, 006900, 007201, 007202, 008500, 009104, 009105, 009202, 009610, 009802, 009803, 009804, 009900, 010102, 010601, 010602, 010701, 010704, 010804, 013711, 013713, 013714, 013901, 014602, 014701, 014702, 014703, 014902, 015403, 015404, 015500, 015600, 015700, 015800, 015900, 016001, 016002, 016201, 016302 and 019900; and that part of Dallas County tract 000401 included in block groups 2 and 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 000406 included in block groups 1, 2, 3 and 4 and blocks 5003, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059 and 5060; and that part of Dallas County tract 000500 included in block groups 1, 3 and 4; and that part of Dallas County tract 000601 included in block groups 3, 4 and 5; and that part of Dallas County tract 000603 included in block groups 1 and 3 and blocks 2003, 2006, 2007, 2008, 2009, 2012, 2013, 2014 and 4012; and that part of Dallas

County tract 000606 included in block groups 2 and 3 and blocks 1030 and 1031; and that part of Dallas County tract 000900 included in block groups 3 and 4; and that part of Dallas County tract 001203 included in block group 2; and that part of Dallas County tract 001204 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Dallas County tract 001400 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 3011, 3012, 3013, 3014, 3015, 3016, 3018, 3019, 3020 and 3021; and that part of Dallas County tract 001800 included in block group 1; and that part of Dallas County tract 002000 included in block groups 3, 4 and 5 and blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 2007, 2008, 2009, 2010, 2011, 2017, 2018, 2019, 2020, 2021, 2022 and 2023; and that part of Dallas County tract 004300 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023 and 2024; and that part of Dallas County tract 004800 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4033, 4034, 4035 and 4036; and that part of Dallas County tract 006001 included in block group 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2015; and that part of Dallas County tract 006002 included in blocks 1000, 1004 and 1005; and that part of Dallas County tract 006200 included in block groups 4 and 5 and blocks 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2012, 2013, 2014, 2015, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046 and 3047; and that part of Dallas County tract 007302 included in blocks 4008 and 4009; and that part of Dallas County tract 008400 included in block groups 1, 2, 3, 5, 6 and 7 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026 and 4028; and that part of Dallas County tract 009000 included in block groups 2 and 3; and that part of Dallas County tract 009101 included in block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1013, 1014, 1015, 1016, 1017, 1018, 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017; and that part of Dallas County tract 009103 included in block group 2; and that part of Dallas County tract 009201 included in block groups 2, 3, 4 and 5; and that part of Dallas County tract 009301 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1037 and 1038; and that part of Dallas County tract 009303 included in blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1031, 1040, 1041, 1042 and 1046; and that part of Dallas County tract 009401 included in blocks 1000, 1001, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022;

and that part of Dallas County tract 009402 included in blocks 1023 and 1024; and that part of Dallas County tract 009611 included in blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3015; and that part of Dallas County tract 009701 included in block group 2 and blocks 1006, 1007, 1008, 1010, 1013, 3006, 3007, 3008, 3011, 3012, 3013, 3014, 3020 and 3027; and that part of Dallas County tract 009702 included in blocks 1010, 1017, 1018, 1019 and 1020; and that part of Dallas County tract 010000 included in blocks 1015, 1022, 1023, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2285, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371 and 2372; and that part of Dallas County tract 010101 included in blocks 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3024, 3025, 3026, 3027 and 3028; and that part of Dallas County tract 010500 included in blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056 and 2057; and that part of Dallas County tract 010703 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2034 and 2035; and that part of Dallas County tract 010801 included in

block groups 1 and 2 and blocks 3000, 3001, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 4000, 4001, 4002, 4003, 4004, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4023 and 4024; and that part of Dallas County tract 010805 included in block groups 2 and 3; and that part of Dallas County tract 011800 included in blocks 4001, 4002, 4003, 4004, 4005, 4006, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021; and that part of Dallas County tract 012207 included in blocks 1038 and 1039; and that part of Dallas County tract 012208 included in block 2007; and that part of Dallas County tract 013712 included in blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1015, 1016, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2012 and 2014; and that part of Dallas County tract 013715 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Dallas County tract 013717 included in block group 2; and that part of Dallas County tract 013718 included in block groups 2 and 3; and that part of Dallas County tract 014002 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099 and 1101; and that part of Dallas County tract 014204 included in blocks 1030, 1031, 1036, 1037 and 1061; and that part of Dallas County tract 014206 included in block 4000; and that part of Dallas County tract 014601 included in blocks 2000, 2004, 2005, 2006, 2010 and 2011; and that part of Dallas County tract 014603 included in blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 014901 included in blocks 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022; and that part of Dallas County tract 015000 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010; and that part of Dallas County tract 015401 included in block group 5; and that part of Dallas County tract 016100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054, 1055 and 1056; and that part of Dallas County tract 016301 included in block group 2 and blocks 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022 and 3023; and that part of Dallas County tract 019800 included in block 3026; and that part of Dallas County tract 020100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066,

1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142 and 1143; and that part of Dallas County tract 020400 included in blocks 2000, 2190, 2191, 2192 and 2193; and that part of Dallas County tract 020500 included in block 1033; and that part of Dallas County tract 020700 included in blocks 1049, 1050, 1051, 1058, 1059, 1060 and 1061; and that part of Dallas County tract 980100 included in blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046; and Tarrant County tracts 100101, 100102, 100201, 100202, 100300, 100400, 100501, 100800, 100900, 101202, 101301, 101302, 101401, 101402, 101403, 101700, 102000, 102500, 103500, 103601, 103602, 103701, 103702, 103800, 104502, 104503, 104504, 104505, 104601, 104602, 104603, 104604, 104605, 104701, 104702, 104803, 104804, 104900, 105001, 105006, 105704, 105901, 105902, 106001, 106002, 106101, 106102, 106201, 106202, 106300, 106502, 106503, 106511, 106512, 106513, 106514, 106515, 106516, 111012, 111102, 111103, 111104, 111202, 121702, 121703, 121704, 121903, 121904, 121905, 121906, 122001, 122002, 122100, 122900, 123100, 123200, 123300, 123500 and 123600; and that part of Tarrant County tract 100502 included in block groups 1, 2, 3, 4 and 6; and that part of Tarrant County tract 100700 included in blocks 1009, 1010, 1011, 1012, 1014 and 1025; and that part of Tarrant County tract 101500 included in block groups 2, 3, 4 and 5; and that part of Tarrant County tract 102202 included in block 1043; and that part of Tarrant County tract 102401 included in blocks 4000, 4001, 4010, 4011, 4012 and 4013; and that part of Tarrant County tract 102601 included in block group 3 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028; and that part of Tarrant County tract 102602 included in block group 2 and blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052 and 1053; and that part of Tarrant County tract 104300 included in blocks 1020, 3013 and 3021; and that part of Tarrant County tract 104400 included in block groups 2, 3 and 4; and that part of Tarrant County tract 104802 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3015 and 3016; and that part of Tarrant County tract 105403 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Tarrant County tract 105800 included in block groups 2 and 4; and that part of Tarrant County tract 106004 included in block groups 1, 3 and 4 and

blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042; and that part of Tarrant County tract 106400 included in blocks 1012, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2072, 2073 and 2074; and that part of Tarrant County tract 106509 included in block group 1 and blocks 3028, 3030, 3031, 3032, 3033, 3034, 3035 and 3036; and that part of Tarrant County tract 110401 included in blocks 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2061; and that part of Tarrant County tract 110402 included in block groups 1, 2, 3 and 4; and that part of Tarrant County tract 111003 included in blocks 1025, 1026, 1027, 1028, 1029, 1033, 1044, 1045, 1049, 1050, 1051 and 1052; and that part of Tarrant County tract 111005 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040 and 4052; and that part of Tarrant County tract 111011 included in block 2056; and that part of Tarrant County tract 113001 included in blocks 1117 and 1118; and that part of Tarrant County tract 113002 included in block groups 2, 3 and 4 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204 and 1205; and that part of Tarrant County tract 113108 included in block group 3; and that part of Tarrant County tract 121604 included in block group 1; and that part of Tarrant County tract 121605 included in block group 1; and that part of Tarrant County tract 122200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011; and that part of Tarrant County tract 123400 included in blocks 2005 and 2006.

SECTION 12. District 12 is composed of Denton County tracts 020115, 020305, 020306, 020307, 021304, 021403, 021406, 021407, 021408, 021409, 021502, 021505, 021512, 021513, 021514, 021515, 021516, 021517, 021518, 021519, 021520, 021521, 021522, 021523, 021524, 021525, 021618, 021619,

021623, 021624, 021715, 021716, 021717, 021718, 021719, 021720, 021721, 021722, 021723, 021724, 021725, 021726, 021727, 021728, 021729, 021730, 021731, 021732, 021733, 021734, 021735, 021736, 021737, 021739, 021740, 021741, 021742, 021743, 021744, 021745, 021746, 021747, 021748, 021749, 021750, 021751, 021752, 021753, 021800 and 021900; and that part of Denton County tract 020107 included in block group 2 and blocks 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079 and 1080; and that part of Denton County tract 020108 included in blocks 1016 and 1089; and that part of Denton County tract 020113 included in block 1047; and that part of Denton County tract 020114 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033 and 3034; and that part of Denton County tract 020303 included in block group 2 and blocks 1049, 1050, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212; 1213, 1214, 1215, 1216, 1221, 1223 and 1225; and that part of Denton County tract 021201 included in block 2012; and that part of Denton County tract 021301 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2002, 2004, 2005 and 2006; and that part of Denton County tract 021303 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033 and 1034; and that part of Denton County tract 021305 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035; and that part of Denton County tract 021404 included in block groups 2 and 3 and blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085 and 1086; and that part of Denton County tract 021405 included in

blocks 2067, 2068, 2069, 2076, 2081, 2082, 2083, 2084, 2085, 2086, 2087 and 2088; and that part of Denton County tract 021527 included in blocks 1016 and 1025; and that part of Denton County tract 021620 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042; and that part of Denton County tract 021622 included in blocks 1047 and 1065; and that part of Denton County tract 021625 included in block group 1 and blocks 2068, 2069, 2095, 2096, 2097, 2100, 2101, 2102, 2104, 2105, 2107, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2126, 2127, 2128, 2139, 2140, 2141, 2142, 2147 and 2174; and that part of Denton County tract 021626 included in blocks 2000 and 2002; and that part of Denton County tract 021629 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138 and 2014; and that part of Denton County tract 021738 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073 and 1074; and Tarrant County tracts 101201, 106507, 110101, 110102, 110202, 110203, 110204, 110301, 110302, 113206, 113207, 113210, 113212, 113213, 113214, 113215, 113216, 113217, 113218, 113220, 113221, 113301, 113302, 113403, 113405, 113610, 113611, 113612, 113613, 113625, 113626, 113629, 113630, 113632, 113703, 113707, 113710, 113711, 113803, 113808, 113809, 113810, 113811, 113812, 113813, 113814, 113815, 113816, 113906, 113907, 113908, 113909, 113910, 113911, 113912, 113917, 113918, 113919, 113920, 113921, 113922, 113927, 113928, 113929, 114104 and 114203; and that part of Tarrant County tract 101500 included in block group 1; and that part of Tarrant County tract 106510 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054 and 3055; and that part of Tarrant County tract 113404 included in block groups 1, 2, 3 and 4 and blocks 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5016 and 5017; and

that part of Tarrant County tract 113408 included in block groups 1, 2, 3 and 5 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027 and 4028; and that part of Tarrant County tract 113622 included in block groups 1 and 2; and that part of Tarrant County tract 113623 included in block group 3; and that part of Tarrant County tract 113624 included in block group 3; and that part of Tarrant County tract 113627 included in block group 3 and blocks 2008, 2009 and 2010; and that part of Tarrant County tract 113628 included in block group 3 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010; and that part of Tarrant County tract 113631 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2027, 2028, 2029, 2030 and 2032; and that part of Tarrant County tract 113633 included in block groups 1 and 3 and blocks 2026 and 2027; and that part of Tarrant County tract 113634 included in block group 1 and blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021; and that part of Tarrant County tract 113705 included in block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2039, 2040, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051 and 2057; and that part of Tarrant County tract 113916 included in blocks 2000, 2001, 3000, 3001 and 3021; and that part of Tarrant County tract 113923 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008; and that part of Tarrant County tract 113924 included in blocks 1000, 1001, 1002, 1018, 1022, 1023, 1024 and 1025; and that part of Tarrant County tract 113925 included in block group 1 and blocks 3000, 3001, 3002 and 3009; and that part of Tarrant County tract 113926 included in block groups 2, 3, 5, 6 and 7 and blocks 1000, 1001, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1040, 1041, 1042, 1043, 1049, 1050, 1051, 1052, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008 and 4009; and that part of Tarrant County tract 114005 included in block 2000; and that part of Tarrant County tract 114102 included in blocks 1000, 1001, 1002, 1004 and 1005; and that part of Tarrant County tract 114103 included in block groups 1, 2, 3, 4, 5, 6 and 8 and blocks 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049 and 7051; and that part of Tarrant County tract 114204 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3014 and 3036; and that part of Tarrant County tract 980000 included in blocks 1000, 1001, 1002, 1003, 1004,

1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1119, 1120, 1121, 1122, 1125, 1126, 1127, 1355 and 1359.

SECTION 16. District 16 is composed of Dallas County tracts 000100, 000201, 000202, 000300, 000702, 001001, 001002, 001101, 001102, 001202, 001301, 007101, 007102, 007301, 007601, 007604, 007605, 007700, 007801, 007805, 007809, 007812, 007815, 007818, 007819, 007820, 007821, 007822, 007823, 007824, 007826, 007902, 007903, 007906, 007909, 007910, 007911, 007912, 007913, 007914, 008000, 008100, 009500, 009603, 009604, 009605, 009607, 009608, 009609, 012900, 013004, 013005, 013101, 013102, 013104, 013105, 013300, 013400, 013500, 013606, 013607, 013608, 013609, 013610, 013611, 013615, 013616, 013620, 013621, 013622, 013623, 013624, 013625, 013626, 013716, 013719, 013720, 013721, 013722, 013725, 013726, 013727, 013803, 013804, 013805, 013806, 013902, 014001, 014103, 014113, 014114, 014115, 014116, 014119, 014120, 014121, 014123, 014124, 014126, 014127, 014128, 014129, 014130, 014131, 014132, 014133, 014134, 014135, 014136, 014137, 014138, 014203, 014205, 014302, 014306, 014307, 014308, 014309, 014310, 014311, 014312, 014403, 014405, 014406, 014407, 014408, 014501, 014502, 015100, 015202, 015204, 015205, 015206, 015303, 015304, 015305, 015306, 019208, 019212, 019213, 019301, 019302, 019400, 019501, 019502, 019600, 019700, 020000, 020600 and 980000; and that part of Dallas County tract 000406 included in blocks 5000, 5001, 5002, 5004, 5005, 5014 and 5015; and that part of Dallas County tract 000601 included in block groups 1 and 2; and that part of Dallas County tract 000603 included in blocks 2000, 2001, 2002, 2004, 2005, 2010, 2011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4011; and that part of Dallas County tract 000606 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1032, 1033, 1034 and 1035; and that part of Dallas County tract 000900 included in block groups 1 and 2; and that part of Dallas County tract 001203 included in block group 1; and that part of Dallas County tract 001204 included in block 1000; and that part of Dallas County tract 001400 included in block group 4 and blocks 1000, 1001, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3017; and that part of Dallas County tract 007302 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006 and 4007; and that part of Dallas County tract 007810 included in block groups 2, 3 and 4; and that part of Dallas County tract 007825 included in block groups 1, 2 and 4; and that part of Dallas County tract 007827 included in block groups 2 and 3; and that part of Dallas County tract 008200 included in block groups 1 and 3; and that part of Dallas County tract 009401 included in block groups 2 and 3 and blocks 1002, 1003 and 1004; and that part of Dallas County tract 009402 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022; and that part of Dallas County tract 009611 included in blocks 1001, 1010, 2000, 2006, 2007, 2013, 2014, 3000 and 3014; and that part of Dallas County tract 009701 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019,

1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 3000, 3001, 3002, 3003, 3004, 3005, 3009, 3010, 3015, 3016, 3017, 3018, 3019, 3021, 3022, 3023, 3024, 3025, 3026 and 3028; and that part of Dallas County tract 009702 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015 and 1016; and that part of Dallas County tract 012209 included in blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1017 and 1018; and that part of Dallas County tract 012400 included in block groups 4 and 5; and that part of Dallas County tract 012800 included in block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025; and that part of Dallas County tract 013007 included in block groups 1 and 2 and blocks 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024; and that part of Dallas County tract 013008 included in block group 2; and that part of Dallas County tract 013009 included in block group 3 and blocks 2000, 2001, 2006, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036; and that part of Dallas County tract 013010 included in blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011; and that part of Dallas County tract 013011 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3025 and 3026; and that part of Dallas County tract 013200 included in block groups 1, 3 and 4 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2018, 2019, 2020, 2021, 2027, 2028, 2029 and 2030; and that part of Dallas County tract 013605 included in block groups 3 and 4 and blocks 1018, 1019, 1025 and 1026; and that part of Dallas County tract 013617 included in block groups 2 and 3; and that part of Dallas County tract 013619 included in block group 3 and blocks 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025; and that part of Dallas County tract 013712 included in blocks 1001, 1010, 1011, 1014, 2000, 2007, 2008 and 2013; and that part of Dallas County tract 013715 included in blocks 1000, 1007 and 1008; and that part of Dallas County tract 013717 included in block group 1; and that part of Dallas County tract 013718 included in block group 1; and that part of Dallas County tract 014002 included in block group 2 and blocks 1064, 1065, 1066, 1067 and 1100; and that part of Dallas County tract 014204 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1032, 1033, 1034, 1035, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059 and 1060; and that part of Dallas County tract 014206 included in block groups 1, 2 and 3 and blocks 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015 and 4016; and that part of Dallas County tract 014601 included in block group 1 and blocks 2001, 2002, 2003, 2007, 2008 and

2009; and that part of Dallas County tract 014603 included in block 1002; and that part of Dallas County tract 014901 included in blocks 1002 and 1003; and that part of Dallas County tract 015000 included in block groups 1, 2, 4 and 5 and blocks 3011, 3012, 3013 and 3014; and that part of Dallas County tract 015401 included in block groups 1, 2, 3, 4 and 6; and that part of Dallas County tract 018506 included in blocks 1062, 1063, 1070, 1071, 1072 and 1091; and that part of Dallas County tract 019202 included in blocks 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 4005, 4006, 4007, 4008, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017; and that part of Dallas County tract 019203 included in block 4024; and that part of Dallas County tract 019204 included in block groups 3, 4, 5 and 6 and blocks 1017, 1018, 1019, 2025, 2026, 2027, 2029, 2030 and 2031; and that part of Dallas County tract 019800 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3027, 3028, 3029, 3030, 3031 and 3032; and that part of Dallas County tract 020100 included in blocks 1010, 1013 and 1056; and that part of Dallas County tract 020700 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1052, 1053, 1054, 1055, 1056, 1057, 1062, 1063, 1064, 1065 and 1066; and that part of Dallas County tract 980100 included in blocks 1005 and 1033; and Tarrant County tracts 106517, 106518, 113102, 113104, 113107, 113109, 113110, 113111, 113112, 113113, 113114, 113115, 113116, 113407, 113509, 113510, 113511, 113512, 113513, 113514, 113516, 113517, 113518, 113519, 113520, 113607, 113618, 113619 and 113709; and that part of Tarrant County tract 106509 included in block group 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027 and 3029; and that part of Tarrant County tract 106510 included in block 3043; and that part of Tarrant County tract 113001 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161 and 1162; and that part of Tarrant County tract 113002 included in blocks 1000 and 1001; and that part of Tarrant County tract 113108 included in block groups 1 and 2; and that part of Tarrant County tract 113404 included in blocks 5000, 5001 and 5015; and that part of Tarrant County tract 113408 included in block 4029; and that

part of Tarrant County tract 113622 included in block groups 3 and 4; and that part of Tarrant County tract 113623 included in block groups 1 and 2; and that part of Tarrant County tract 113624 included in block groups 1 and 2; and that part of Tarrant County tract 113627 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2011 and 2012; and that part of Tarrant County tract 113628 included in block group 1 and blocks 2000 and 2001; and that part of Tarrant County tract 113631 included in blocks 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2031; and that part of Tarrant County tract 113633 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2028; and that part of Tarrant County tract 113634 included in blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006; and that part of Tarrant County tract 113705 included in blocks 1079, 1080, 1081, 1082, 1083, 1084, 2038, 2041, 2042, 2052, 2053, 2054, 2055 and 2056; and that part of Tarrant County tract 980000 included in blocks 1026, 1027, 1028, 1029, 1030, 1036, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1123, 1124, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1356, 1357, 1358 and 1360.

SECTION 22. District 22 is composed of Bosque, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, Parker and Somervell Counties.

SECTION 23. District 23 is composed of Dallas County tracts 001600, 001701, 001703, 001704, 001900, 002100, 002200, 002701, 002702, 003101, 003400, 003700, 003800, 003901, 003902, 004000, 004100, 004900, 005400, 005500, 005700, 005901, 005902, 006100, 007804, 007811, 008603, 008604, 008701, 008703, 008704, 008705, 008801, 008802, 008900, 009304, 010803, 010902,

010903, 010904, 011001, 011002, 011101, 011103, 011104, 011105, 011200, 011300, 011401, 011500, 011601, 011602, 011701, 011702, 011900, 012000, 012100, 012204, 012206, 012210, 012211, 012301, 012302, 012500, 012601, 012603, 012604, 012701, 012702, 016202, 016401, 016406, 016407, 016408, 016409, 016410, 016411, 016412, 016413, 016502, 016509, 016510, 016511, 016513, 016514, 016516, 016517, 016518, 016519, 016520, 016521, 016522, 016523, 016605, 016606, 016607, 016610, 016611, 016612, 016615, 016616, 016617, 016618, 016619, 016620, 016621, 016622, 016623, 016624, 016625, 016626, 016701, 016703, 016704, 016705, 016802, 016803, 016804, 016902, 016903, 017102, 017201, 017602, 017605, 017804, 017805, 017806, 017807, 017900, 018001, 018002, 018127, 018401, 018403, 018503, 018505, 019013, 019014, 019016, 019018, 019019, 019032, 019033, 019034, 019035, 020200 and 020300; and that part of Dallas County tract 000401 included in blocks 1000, 1007 and 1008; and that part of Dallas County tract 000500 included in block group 2; and that part of Dallas County tract 001800 included in block group 2; and that part of Dallas County tract 002000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2012, 2013, 2014, 2015, 2016, 2024, 2025, 2026 and 2027; and that part of Dallas County tract 004300 included in blocks 2004, 2005, 2006, 2007, 2022 and 2025; and that part of Dallas County tract 004800 included in block 4032; and that part of Dallas County tract 006001 included in blocks 1000, 1016 and 2014; and that part of Dallas County tract 006002 included in block groups 2 and 3 and blocks 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035; and that part of Dallas County tract 006200 included in block group 1 and blocks 2000, 2001, 2007, 2008, 2011, 2016, 2019, 2020, 3029 and 3030; and that part of Dallas County tract 007810 included in block group 1; and that part of Dallas County tract 007825 included in block groups 3 and 5; and that part of Dallas County tract 007827 included in block group 1; and that part of Dallas County tract 008200 included in block groups 2 and 4; and that part of Dallas County tract 008400 included in block 4027; and that part of Dallas County tract 009000 included in block groups 1, 4 and 5; and that part of Dallas County tract 009101 included in blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2003, 2004 and 2005; and that part of Dallas County tract 009103 included in block group 1; and that part of Dallas County tract 009201 included in block group 1; and that part of Dallas County tract 009301 included in blocks 1035, 1036, 1039, 1040 and 1041; and that part of Dallas County tract 009303 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051 and 1052; and that part of Dallas County tract 010000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069,

1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 2264, 2279, 2280, 2281, 2282, 2283, 2284, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2356 and 2357; and that part of Dallas County tract 010101 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022 and 3023; and that part of Dallas County tract 010500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028; and that part of Dallas County tract 010703 included in blocks 2030, 2031, 2032 and 2033; and that part of Dallas County tract 010801 included in blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4005, 4006, 4007, 4008, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4025, 4026 and 4027; and that part of Dallas County tract 010805 included in block group 1; and that part of Dallas County tract 011800 included in block groups 1, 2, 3 and 5 and blocks 4000 and 4007; and that part of Dallas County tract 012207 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037; and that part of Dallas County tract 012208 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006; and that part of Dallas County tract 012209 included in block group 2 and blocks 1003, 1014, 1015 and 1016; and that part of Dallas County tract 012400 included in block groups 1, 2, 3 and 6; and that part of Dallas County tract 012800 included in block groups 5 and 6 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2014, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035; and that part of Dallas County tract 013007 included in blocks 3000, 3001 and 3004; and that part of Dallas County tract 013008 included in block group 1; and that part of Dallas County tract 013009 included in block group 1 and blocks 2002, 2003, 2004, 2005, 2007, 2011, 2016, 2017 and 2018; and that part of Dallas County tract 013010 included in block groups 1 and 3 and blocks 2000, 2001,

2002 and 2012; and that part of Dallas County tract 013011 included in block groups 1 and 2 and blocks 3008, 3020, 3021, 3022, 3023 and 3024; and that part of Dallas County tract 013200 included in blocks 2000, 2001, 2002, 2009, 2014, 2015, 2016, 2017, 2022, 2023, 2024, 2025 and 2026; and that part of Dallas County tract 016100 included in blocks 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1053 and 1057; and that part of Dallas County tract 016301 included in block group 1 and blocks 3000 and 3002; and that part of Dallas County tract 017004 included in blocks 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2043, 2044, 2045, 2046, 2047, 2048, 2049 and 2063; and that part of Dallas County tract 017101 included in blocks 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1041, 1042, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 2022, 2023, 2024, 2025, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2056; and that part of Dallas County tract 017202 included in block group 2 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3016, 3017, 3018, 3019, 3020, 3021, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3044, 3046, 3047, 3048, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028 and 4032; and that part of Dallas County tract 017606 included in block groups 1 and 2 and blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3025, 3026, 3027, 3028, 3031 and 3032; and that part of Dallas County tract 017813 included in block 4016; and that part of Dallas County tract 018300 included in blocks 3016, 3017, 3018, 3026, 3027, 3033, 3034, 3035, 3036, 3037, 3038, 3041 and 3042; and that part of Dallas County tract 018402 included in block 3016; and that part of Dallas County tract 018501 included in block group 1 and blocks 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3014; and that part of Dallas County tract 018506 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1064, 1065, 1066, 1067, 1068, 1069, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099 and 1100; and that part of Dallas County tract 019004 included in block groups 3, 4 and 6; and that part of Dallas County tract 019020 included in blocks 1012, 2021, 2022, 2026, 2027, 2028, 2029 and 2030; and that part of Dallas County tract 019039 included in blocks 1012, 6019, 6020, 6024, 6025, 6026, 6027, 6030 and 6031; and that part of Dallas County tract 019040 included in blocks 1015, 1016, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1041, 1042, 1043, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093,

1094, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1129, 1130, 1131, 1132, 1133 and 4034; and that part of Dallas County tract 019041 included in blocks 1019, 1020, 1021, 1022, 1023 and 1024; and that part of Dallas County tract 020400 included in block groups 1 and 3 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2194, 2195, 2196 and 2197; and that part of Dallas County tract 020500 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032.

SECTION 30. District 30 is composed of Archer, Clay, Cooke, Erath, Grayson, Jack, Montague, Palo Pinto, Wichita, Wise and Young Counties; and Collin County tracts 030100, 030201, 030202, 030203, 030301, 030302, 030303, 030304, 030305, 030403, 030518, 030519, 030520, 030521, 030522, 030523, 030524, 030604, 030605, 031003, 031004, 031100, 031201, 031202, 031308, 031309, 031310 and 031311; and that part of Collin County tract 030408 included in block group 6 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1042, 1043, 1044, 1079, 1080, 1081, 1082, 1085, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2022, 2023 and 2031; and that part of Collin County tract 030701 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1087, 1088 and 1089; and that part of Collin County tract 030900 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1029, 1038, 1039, 1070, 1071, 1072 and 1077; and that part of Collin County tract 031001 included in block groups 1, 2 and 4 and blocks

3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3014, 3015, 3016, 3018 and 3019; and that part of Collin County tract 031314 included in blocks 1049 and 1050; and that part of Collin County tract 031317 included in blocks 2045, 2046, 2047, 2048 and 2049; and that part of Collin County tract 031407 included in blocks 3059 and 3061; and Denton County tracts 020103, 020104, 020105, 020106, 020109, 020110, 020111, 020112, 020202, 020203, 020204, 020205, 020308, 020309, 020310, 020401, 020402, 020403, 020503, 020504, 020505, 020506, 020601, 020602, 020700, 020800, 020900, 021000, 021100, 021202 and 021526; and that part of Denton County tract 020107 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092 and 1093; and that part of Denton County tract 020108 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103 and 1104; and that part of Denton County tract 020113 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1048; and that part of Denton County tract 020114 included in blocks 1009, 1010, 3000 and 3001; and that part of Denton County tract 020303 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1151, 1217, 1218, 1219, 1220, 1222 and 1224; and that part of Denton County tract 021201 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034; and that part of Denton County tract 021301 included in blocks 1018, 1019, 2000, 2001, 2003, 2007 and 2008; and that part of Denton County tract 021303 included in block 1000; and that part of Denton County tract 021305 included in block 2013; and that part of Denton County tract 021404 included in block 1001; and that part of Denton County tract 021405 included in block groups 1 and 3 and blocks

2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2078, 2079, 2080, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127 and 2128; and that part of Denton County tract 021527 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.

The amendment to **CSSB 31** was read.

On motion of Senator Seliger, Floor Amendment No. 1 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 31** in Article II of the bill by striking SECTIONS 9, 10, 12, 16, 22, and 23 and substituting the following:

SECTION 9. District 9 is composed of Dallas County tracts 014403, 014405, 014406, 014407, 014408, 014501, 014502, 014601, 014602, 014603, 014703, 014901, 014902, 015000, 015100, 015202, 015204, 015205, 015206, 015303, 015304, 015305, 015306, 015401, 015403, 015404, 015500, 015600, 015700, 016001, 016002, 016100, 016201, 016202, 016302, 016401, 016406, 016407 and 016410; and that part of Dallas County tract 014103 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1130 and 1137; and that part of Dallas County tract 014116 included in blocks 1003, 4001, 4002, 4004, 4005, 4006, 4017 and 4018; and that part of Dallas County tract 014133 included in blocks 1000, 1001, 1002, 1003, 1012, 1013, 1014 and 3022; and that part of Dallas County tract 014701 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Dallas County tract 014702 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011; and that part of Dallas County tract 015800 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,

1046, 1047, 1048, 1049, 1050, 1051, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1078, 1082, 1083, 1087, 1095, 1096, 1097 and 1098; and that part of Dallas County tract 015900 included in block groups 1 and 2 and blocks 3000, 3003, 3006, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3036, 3037, 3038, 3039, 3040, 3041 and 3042; and that part of Dallas County tract 016301 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 2000, 2001, 2004, 2005, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022 and 3023; and that part of Dallas County tract 016408 included in block groups 2, 3 and 4 and blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042; and that part of Dallas County tract 016409 included in block group 2 and blocks 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033 and 1034; and that part of Dallas County tract 016411 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2040, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059 and 2060; and that part of Dallas County tract 016412 included in blocks 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2020, 2021, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049 and 2052; and that part of Dallas County tract 016413 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2047, 2048, 2049 and 2050; and that part of Dallas County tract 016522 included in blocks 1001, 1003, 1004, 1011 and 1019; and that part of Dallas County tract 016523 included in blocks 1020, 1031, 1032, 1033, 1045, 1046, 1051, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3028; and that part of Dallas County tract 980000 included in blocks 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1078, 1080, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1128, 1129, 1130, 1131, 1132, 1133,

1134, 1139, 1140, 1144, 1145, 1150, 1151 and 1152; and Tarrant County tracts 110101, 110203, 111301, 111304, 111306, 111307, 111308, 111309, 111311, 111312, 111314, 111402, 111404, 111405, 111406, 111407, 111408, 111409, 111505, 111506, 111526, 111529, 111530, 111531, 111532, 111534, 111545, 111546, 111551, 111552, 111553, 113107, 113112, 113207, 113210, 113213, 113214, 113215, 113216, 113217, 113218, 113220, 113221, 113403, 113404, 113407, 113509, 113511, 113512, 113513, 113514, 113516, 113517, 113518, 113519, 113520, 113607, 113610, 113611, 113612, 113613, 113618, 113619, 113622, 113623, 113624, 113625, 113626, 113627, 113628, 113629, 113630, 113803, 113808, 113809, 113810, 113811, 113813, 113814, 113815, 113906, 113908, 113912, 113917, 113918, 113919, 113920, 121604, 121608, 121609, 121610, 121611, 122300, 122400, 122500, 122600 and 122700; and that part of Tarrant County tract 101302 included in block 3024; and that part of Tarrant County tract 105006 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1109, 1110, 1114, 1115, 1116, 1117, 1118, 1196, 1197, 1198, 1199, 1200 and 1201; and that part of Tarrant County tract 105007 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039 and 1040; and that part of Tarrant County tract 105008 included in block 1037; and that part of Tarrant County tract 106400 included in blocks 2011 and 2017; and that part of Tarrant County tract 106514 included in blocks 3024 and 3030; and that part of Tarrant County tract 106517 included in blocks 2011, 2012, 2013 and 2022; and that part of Tarrant County tract 110102 included in blocks 4000, 4001, 4002, 4003, 4004 and 4005; and that part of Tarrant County tract 110204 included in block groups 1 and 2; and that part of Tarrant County tract 111203 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052 and 2053; and that part of Tarrant County tract 111204 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2034 and 2035; and that part of Tarrant County tract 111310 included in blocks 1022, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2020, 2021, 2022, 2023, 2024, 2027, 3005, 3010, 3011, 3012, 3013, 3014, 3015, 3018, 3019, 3020, 3026 and 3027; and that part of Tarrant County tract 111313 included in block groups 1, 3 and 4 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038; and that part of Tarrant County tract 111516 included in blocks 2012, 2013 and 2034; and that part of Tarrant County tract 111524 included in blocks 5000 and 5001; and that part of Tarrant County tract 111525 included in blocks 1042, 1043, 1044, 1050 and 1051; and that part of Tarrant County tract 111533 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013,

1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042; and that part of Tarrant County tract 111549 included in block group 2 and blocks 1018, 1023, 1024, 1025, 1026, 1027, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043 and 1044; and that part of Tarrant County tract 113102 included in blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027; and that part of Tarrant County tract 113108 included in block groups 1 and 3 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036; and that part of Tarrant County tract 113109 included in blocks 2025, 2026, 3009, 3012, 3013, 3014, 3015 and 3016; and that part of Tarrant County tract 113111 included in blocks 1019, 1021, 1034, 1035, 1036 and 4008; and that part of Tarrant County tract 113212 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1024, 1025, 1040, 1041 and 1042; and that part of Tarrant County tract 113405 included in block groups 1, 2, 4 and 5 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048; and that part of Tarrant County tract 113408 included in block groups 1, 2, 3 and 5 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027 and 4028; and that part of Tarrant County tract 113510 included in block groups 1 and 3 and blocks 2000, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2040, 2041, 2042, 2043, 2044 and 2045; and that part of Tarrant County tract 113633 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2028; and that part of Tarrant County tract 113634 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1060, 1065, 1073, 1074, 1075, 1076, 3011, 3012 and 3048; and that part of Tarrant County tract 113705 included in blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1060, 1065, 1073, 1074, 1075, 1076, 3011, 3012 and 3048; and that part of Tarrant County tract 113707 included in blocks 1011, 1012, 1013, 1014, 1015, 1016, 1019, 1020, 1021 and 3023; and that part of Tarrant County tract 113711 included in blocks 2013, 2014 and 2015; and that part of Tarrant County tract 113812 included in block groups 2 and 3 and blocks 1000, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Tarrant County tract 113816 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,

1012, 1013, 1014, 1015, 1016, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042 and 1043; and that part of Tarrant County tract 113907 included in block groups 1 and 2 and blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3021, 3037, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053 and 3054; and that part of Tarrant County tract 113909 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028 and 3029; and that part of Tarrant County tract 113910 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1007, 1008, 1012, 1013, 1014, 1015, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1062, 1064, 1065, 1066, 1067, 1068, 1069 and 1070; and that part of Tarrant County tract 113911 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2021, 2022, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062 and 2063; and that part of Tarrant County tract 113916 included in blocks 1004, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2026, 2027, 2028, 2029, 3000, 3001, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021; and that part of Tarrant County tract 113923 included in block 1036; and that part of Tarrant County tract 113924 included in blocks 1000, 1001, 1002, 1018, 1022, 1023, 1024 and 1025; and that part of Tarrant County tract 113925 included in block group 1 and blocks 3000, 3001, 3002 and 3009; and that part of Tarrant County tract 121601 included in block groups 1, 3, 4 and 5 and blocks 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2010, 2011, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043 and 2044; and that part of Tarrant County tract 121605 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013; and that part of Tarrant County tract 121606 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1020, 1021, 1022, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1097, 1098 and 1099; and that part of

Tarrant County tract 121702 included in blocks 1002, 1006, 1007, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1047, 1048, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1076, 1077, 1085, 1086, 1087, 1088, 1089, 1092, 1093, 1094, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031 and 2032; and that part of Tarrant County tract 122100 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2030; and that part of Tarrant County tract 122200 included in blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2035, 2036, 2039, 2040, 2041, 2042, 2043, 2044 and 2045; and that part of Tarrant County tract 122801 included in block groups 1 and 2 and block 3000; and that part of Tarrant County tract 122802 included in block groups 2, 3 and 4 and block 1000; and that part of Tarrant County tract 980000 included in blocks 1231, 1232, 1233, 1234, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1289, 1290, 1291, 1292, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1351 and 1352.

SECTION 10. District 10 is composed of Tarrant County tracts 100101, 100102, 100201, 100202, 100300, 100400, 100501, 100502, 100700, 100800, 100900, 101201, 101202, 101301, 101401, 101402, 101403, 101500, 101700, 102000, 102100, 102201, 102202, 102401, 102500, 102601, 102602, 102700, 103500, 103601, 103602, 103701, 103702, 103800, 104100, 104300, 104400, 104502, 104503, 104504, 104505, 104601, 104602, 104603, 104604, 104605, 104701, 104702, 104802, 104900, 105001, 105201, 105204, 105205, 105502, 105503, 105505, 105510, 105511, 105512, 105513, 105514, 105701, 105703, 105704, 105800, 105901, 105902, 106001, 106002, 106004, 106101, 106102, 106201, 106202, 106300, 106502, 106503, 106507, 106509, 106510, 106511, 106512, 106513, 106515, 106516, 106518, 110202, 110301, 110302, 110402, 110500, 110600, 111003, 111005, 111011, 111012, 111102, 111103, 111104, 111202, 111513, 111514, 111521, 111522, 111523, 111536, 111537, 111538, 111539, 111540, 111541, 111542, 111543, 111544, 111547, 111548, 111550, 113001, 113002, 113104, 113110, 113113, 113114, 113115, 113116, 113206, 113301, 113302, 121703, 121704, 121903, 121904, 121905, 121906, 122001, 122002, 122900, 123000, 123100, 123200, 123300, 123400, 123500 and 123600; and that part of Tarrant County tract 100602 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068,

2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2107, 2108 and 2109; and that part of Tarrant County tract 101302 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3025; and that part of Tarrant County tract 102301 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085 and 2086; and that part of Tarrant County tract 102302 included in blocks 1000, 1003 and 1004; and that part of Tarrant County tract 102402 included in blocks 1000, 1002, 1003, 1007, 1008, 1009, 1012, 1013, 2000, 2001 and 2005; and that part of Tarrant County tract 102800 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022 and 2023; and that part of Tarrant County tract 104803 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019 and 5020; and that part of Tarrant County tract 104804 included in block group 2; and that part of Tarrant County tract 105006 included in blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1111, 1112, 1113, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1202, 1203 and 1204; and that part of Tarrant County tract 105403 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Tarrant County tract 105405 included in block 3097; and that part of Tarrant County tract 105600 included in block group 1 and blocks 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017; and that part of Tarrant County tract 106400 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038,

2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073 and 2074; and that part of Tarrant County tract 106514 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3025, 3026, 3027, 3028, 3029, 3031, 3032, 3033, 3034, 3035, 3036, 3037 and 3038; and that part of Tarrant County tract 106517 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024 and 2025; and that part of Tarrant County tract 106600 included in blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2018; and that part of Tarrant County tract 110102 included in block groups 1, 2 and 3 and blocks 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021; and that part of Tarrant County tract 110204 included in block groups 3, 4 and 5; and that part of Tarrant County tract 110401 included in blocks 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2061; and that part of Tarrant County tract 110701 included in block groups 2, 3 and 6 and blocks 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4012, 4013, 4014, 4015, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5017, 5018 and 5019; and that part of Tarrant County tract 110704 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2029, 2030, 2031 and 2032; and that part of Tarrant County tract 110903 included in blocks 2000, 2001, 2002, 2003, 2015, 2022, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2040 and 2043; and that part of Tarrant County tract 111008 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1040; and that part of Tarrant County tract 111013 included in blocks 1004, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1041, 1042, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3037, 3038, 3039, 3040 and 3041; and that part of Tarrant County tract 111017 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047; and that part of Tarrant County tract 111018 included in blocks 1000, 1001, 1002, 1005, 1011 and 1012; and that part of Tarrant County tract 111203 included in blocks 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2033 and 2034; and that part of Tarrant County tract 111310 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018,

1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2017, 2018, 2019, 2025, 2026, 2028, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3016, 3017, 3021, 3022, 3023, 3024 and 3025; and that part of Tarrant County tract 111313 included in blocks 2000 and 2001; and that part of Tarrant County tract 111516 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047; and that part of Tarrant County tract 111524 included in block groups 1, 2, 3 and 4 and blocks 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020 and 5021; and that part of Tarrant County tract 111525 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045, 1046, 1047, 1048 and 1049; and that part of Tarrant County tract 111533 included in blocks 1000, 1015, 1016 and 1029; and that part of Tarrant County tract 111549 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1028, 1029, 1030 and 1031; and that part of Tarrant County tract 113102 included in block groups 1 and 3 and blocks 2000, 2001, 2002 and 2003; and that part of Tarrant County tract 113108 included in blocks 2000 and 2022; and that part of Tarrant County tract 113109 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3017, 3018, 3019, 3020, 3021 and 3022; and that part of Tarrant County tract 113111 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 4000, 4001, 4002, 4003, 4004, 4005, 4006 and 4007; and that part of Tarrant County tract 113212 included in block group 2 and blocks 1008, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038 and 1039; and that part of Tarrant County tract 113405 included in blocks 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3049; and that part of Tarrant County tract 113408 included in block 4029; and that part of Tarrant County tract 113510 included in blocks 2001, 2002, 2003, 2035, 2036, 2037, 2038 and 2039; and that part of Tarrant County tract 114003 included in block 2057; and that part of Tarrant County tract 121601 included in blocks 2005, 2009, 2012, 2014 and 2041; and that part of Tarrant County tract 121605 included in block 2005; and that part of Tarrant County tract 121606 included in blocks 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1023, 1024, 1025, 1028 and 1096; and that part of Tarrant County tract 121702 included in blocks 1000, 1001, 1003, 1004, 1005, 1008, 1009, 1010, 1015, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1043, 1044, 1045, 1046, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1065, 1075, 1078,

1079, 1080, 1081, 1082, 1083, 1084, 1090, 1091, 2009, 2010, 2011, 2012 and 2013; and that part of Tarrant County tract 122100 included in block groups 1, 3, 4 and 5 and blocks 2024, 2025, 2026, 2027, 2028, 2029, 2031, 2032, 2033 and 2034; and that part of Tarrant County tract 122200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2037 and 2038; and that part of Tarrant County tract 122801 included in blocks 3001, 3002, 3003, 3004, 3005 and 3006; and that part of Tarrant County tract 122802 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Tarrant County tract 980000 included in blocks 1288, 1293, 1294, 1295, 1296, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350 and 1356.

SECTION 12. District 12 is composed of Denton County tracts 020107, 020108, 020109, 020110, 020111, 020112, 020113, 020114, 020115, 020303, 020305, 020306, 020307, 020308, 020309, 020310, 021304, 021403, 021404, 021406, 021407, 021408, 021409, 021502, 021505, 021512, 021513, 021514, 021515, 021516, 021517, 021518, 021519, 021520, 021521, 021522, 021523, 021524, 021525, 021526, 021527, 021611, 021612, 021613, 021614, 021615, 021616, 021618, 021619, 021620, 021621, 021622, 021623, 021624, 021625, 021626, 021627, 021628, 021629, 021630, 021631, 021632, 021633, 021634, 021635, 021636, 021637, 021638, 021715, 021716, 021717, 021718, 021719, 021720, 021721, 021722, 021723, 021724, 021725, 021726, 021727, 021728, 021729, 021730, 021731, 021732, 021733, 021734, 021735, 021736, 021737, 021738, 021739, 021740, 021741, 021742, 021743, 021744, 021745, 021746, 021747, 021748, 021749, 021750, 021751, 021752, 021753, 021800 and 021900; and that part of Denton County tract 020103 included in block group 2 and blocks 3102, 3103, 3104, 3111, 3116, 3117 and 3118; and that part of Denton County tract 020105 included in blocks 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1025, 1026, 1027, 1031, 1032, 1033, 1087 and 3031; and that part of Denton County tract 020106 included in block groups 2 and 3 and blocks 1007, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1108, 1109, 1110, 1111, 1112 and 1113; and that part of Denton County tract 020202 included in block 4090; and that part of Denton County tract 020601 included in blocks 1000 and 1001; and that part of Denton County tract 020602 included in block group 1; and that part of Denton County tract 021201 included in block 2012; and that part of Denton County tract 021301 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2002, 2004, 2005 and 2006; and that part of Denton County tract 021303 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005,

1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033 and 1034; and that part of Denton County tract 021305 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035; and that part of Denton County tract 021405 included in block groups 1 and 3 and blocks 2067, 2068, 2069, 2076, 2081, 2082, 2083, 2084, 2085, 2086, 2087 and 2088; and Tarrant County tracts 100601, 106700, 110703, 110805, 110806, 113631, 113632, 113703, 113709, 113710, 113921, 113922, 113926, 113927, 113928, 113929, 114005, 114006, 114007, 114008, 114102, 114103, 114104, 114203, 114204, 114205, 114206 and 114207; and that part of Tarrant County tract 100602 included in block 2106; and that part of Tarrant County tract 105007 included in block 1026; and that part of Tarrant County tract 105008 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038 and 1039; and that part of Tarrant County tract 106600 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004, 2006, 2016 and 2017; and that part of Tarrant County tract 110401 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005; 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2041, 2042, 2058, 2059 and 2060; and that part of Tarrant County tract 110701 included in blocks 1000, 1001, 1004, 4010, 4011, 4018, 5015, 5016, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035 and 5036; and that part of Tarrant County tract 110704 included in blocks 2012, 2013, 2014, 2022, 2023, 2024, 2025, 2026, 2027 and 2028; and that part of Tarrant County tract 110807 included in blocks 3000, 3003 and 3004; and that part of Tarrant County tract 113633 included in block groups 1 and 3 and blocks 2026 and 2027; and that part of Tarrant County tract 113634 included in block 1000; and that part of Tarrant County tract 113705 included in block groups 2 and 4 and blocks 1002, 1011, 1012, 1013, 1014, 1031, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3049, 3050, 3051, 3052, 3053, 3054 and 3055; and that part of Tarrant County tract 113707 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1017, 1018, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032 and 3033; and that part of Tarrant County tract 113711 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2016, 2017, 2018, 2019, 2020 and

2021; and that part of Tarrant County tract 113812 included in blocks 1001, 1002, 1003, 1004, 1012, 1013 and 1014; and that part of Tarrant County tract 113816 included in blocks 1017 and 1018; and that part of Tarrant County tract 113907 included in blocks 3000, 3001, 3020, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038 and 3039; and that part of Tarrant County tract 113909 included in block 3030; and that part of Tarrant County tract 113910 included in blocks 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1036, 1056, 1057, 1058, 1059, 1060, 1061, 1063 and 1071; and that part of Tarrant County tract 113911 included in blocks 1047, 2018, 2019, 2020, 2023, 2024, 2037 and 2038; and that part of Tarrant County tract 113916 included in blocks 1000, 1001, 1002, 1003, 1005, 2023, 2024, 2025, 3002, 3003 and 3004; and that part of Tarrant County tract 113923 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035 and 1037; and that part of Tarrant County tract 113924 included in block group 2 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1026, 1027, 1028, 1029, 1030, 1031 and 1032; and that part of Tarrant County tract 113925 included in block group 2 and blocks 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012 and 3013; and that part of Tarrant County tract 114003 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056 and 2058; and that part of Tarrant County tract 980000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1235, 1236, 1237, 1238, 1353, 1354, 1355, 1357, 1358, 1359 and 1360.

SECTION 16. District 16 is composed of Dallas County tracts 000201, 000202, 000606, 000701, 000702, 001703, 007101, 007201, 007202, 007301, 007302, 007601, 007604, 007605, 007700, 007801, 007805, 007809, 007810, 007811, 007812, 007815, 007818, 007819, 007820, 007821, 007822, 007823, 007824, 007825, 007826, 007827, 007903, 007906, 007909, 007910, 007911, 007912, 007913, 007914, 009401, 009402, 009500, 009603, 009604, 009605, 009607, 009608, 009609, 009610, 009611, 009701, 009702, 009802, 009803, 009804, 009900, 013004, 013005, 013008, 013009, 013101, 013102, 013104, 013105, 013300, 013400, 013500, 013605, 013606, 013607, 013608, 013609, 013610, 013611, 013615, 013616, 013617, 013618, 013619, 013620, 013621, 013622, 013623, 013624, 013625, 013626, 013711, 013712, 013713, 013714, 013715, 013716, 013717, 013718, 013719, 013720, 013721, 013722, 013725, 013726, 013727, 013803, 013804, 013805, 013806, 013901, 013902, 014001, 014002, 014113, 014114, 014115, 014119, 014120, 014121, 014123, 014124, 014126, 014127, 014128, 014129, 014130, 014131, 014132, 014134, 014135, 014136, 014137, 014138, 014203, 014204, 014205, 014206, 014302, 014306, 014307, 014308, 014309, 014310, 014311, 014312, 018105, 018120, 018121, 018134, 018136, 018140, 018501, 018503, 018505, 018506, 018600, 018700, 018801, 018802, 018900, 019013, 019014, 019020, 019021, 019025, 019026, 019027, 019028, 019029, 019042, 019301, 019302, 019400, 019501, 019502, 019600, 019700, 019800, 020000, 020600 and 020700; and that part of Dallas County tract 000100 included in block groups 1 and 3 and blocks 2006, 2009, 2010 and 2011; and that part of Dallas County tract 000300 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027 and 3028; and that part of Dallas County tract 000406 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3023, 3047 and 3048; and that part of Dallas County tract 000601 included in block group 1 and blocks 2000, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3007, 4001 and 5000; and that part of Dallas County tract 000603 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022 and 3023; and that part of Dallas County tract 000605 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2014, 2015 and 2016; and that part of Dallas County tract 001600 included in blocks 2037, 2040 and 2043; and that part of Dallas County tract 001701 included in blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006; and that part of Dallas County tract 001704 included in block group 1 and blocks 2000, 2004 and 2005; and that part of Dallas County tract 001800 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2023, 2024, 2025, 2026, 2027, 2028 and 2029; and that part of Dallas County tract 007902 included in block groups 2, 3, 4 and 5 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Dallas County tract 008000 included in block groups 1, 2, 3, 5 and 6 and blocks 4006, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015,

4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038 and 4039; and that part of Dallas County tract 008100 included in block 1004; and that part of Dallas County tract 010000 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2028, 2029 and 2033; and that part of Dallas County tract 012800 included in blocks 3010, 3011 and 3012; and that part of Dallas County tract 012900 included in blocks 1000, 1001, 1002, 1003, 2000, 2001, 2002, 2003, 2015, 2016 and 2023; and that part of Dallas County tract 013007 included in block groups 1 and 2 and blocks 3002, 3003, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3022, 3023 and 3024; and that part of Dallas County tract 013010 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1025, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011; and that part of Dallas County tract 013011 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3025 and 3026; and that part of Dallas County tract 013200 included in block groups 1, 3 and 4 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2018, 2019, 2020, 2021, 2027, 2028, 2029 and 2030; and that part of Dallas County tract 014103 included in block group 2 and blocks 1023, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1131, 1132, 1133, 1134, 1135, 1136 and 1138; and that part of Dallas County tract 014116 included in block groups 2, 3 and 5 and blocks 1000, 1001, 1002, 1004, 1005, 4000, 4003, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4019, 4020 and 4021; and that part of Dallas County tract 014133 included in block group 2 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030 and 3031; and that part of Dallas County tract 014701 included in blocks 3000 and 3003; and that part of Dallas County tract 014702 included in blocks 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 018122 included in blocks 1124, 1125, 1126, 1127, 1128, 1138, 1142, 1144, 1145 and 1146; and that part of Dallas County tract 018123 included in block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072 and 1073; and that part of Dallas County tract 018124 included in block groups 2, 3 and 4 and blocks

1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109 and 1110; and that part of Dallas County tract 018133 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048 and 2049; and that part of Dallas County tract 018135 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033 and 1034; and that part of Dallas County tract 018139 included in block groups 2, 3 and 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025; and that part of Dallas County tract 018204 included in block group 1 and blocks 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2020, 2021 and 2022; and that part of Dallas County tract 018300 included in blocks 3016, 3017, 3018, 3019, 3027 and 3041; and that part of Dallas County tract 019004 included in block groups 1, 2, 3, 4 and 5 and blocks 6000, 6001, 6002, 6003, 6004, 6005, 6006 and 6007; and that part of Dallas County tract 019016 included in blocks 3018 and 3019; and that part of Dallas County tract 019019 included in blocks 2002, 2012 and 2013; and that part of Dallas County tract 019023 included in blocks 1000, 1008, 1009, 1010, 1019, 1020, 4000, 4012, 4013, 4018, 4019, 4020 and 4021; and that part of Dallas County tract 019024 included in blocks 1000, 1005, 1008, 1009, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 4000, 4011, 4012, 4013, 4023, 4024, 4025, 4026, 4027, 4033, 4034 and 4035; and that part of Dallas County tract 019031 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072 and 1073; and that part of Dallas County tract 019032 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3026, 3027 and 3028; and that part of Dallas County tract 019033 included in block groups 1 and 2 and blocks 3000, 3001, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022; and that part of Dallas County tract 019035 included in blocks 3011 and 3012; and that part of Dallas County tract 019036 included in blocks 1009, 1010, 1013, 1014, 2000, 2008, 2009 and 2043; and that part

of Dallas County tract 019037 included in blocks 1000, 1008, 2000, 2010, 2011, 2017, 2018, 2019, 2020, 2021, 2035, 2036 and 2037; and that part of Dallas County tract 019039 included in blocks 6019, 6020, 6024, 6025, 6026, 6027, 6030 and 6031; and that part of Dallas County tract 019043 included in block groups 2 and 3; and that part of Dallas County tract 020100 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2029, 2030, 2031, 2034 and 2035; and that part of Dallas County tract 980000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1073, 1075, 1076, 1077, 1079, 1081, 1082, 1083, 1084, 1085, 1086, 1097, 1098, 1099, 1100, 1101, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1135, 1136, 1137, 1138, 1141, 1142, 1143, 1146, 1147, 1148, 1149 and 1153; and that part of Dallas County tract 980100 included in blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1023, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046.

SECTION 22. District 22 is composed of Bosque, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro and Somervell Counties; and Tarrant County tracts 104201, 104202, 105203, 105404, 105406, 105507, 105508, 110808, 110809, 110901, 110905, 110906, 110907, 111010, 111015 and 111016; and that part of Tarrant County tract 102301 included in block 2087; and that part of Tarrant County tract 102302 included in block groups 2, 3 and 4 and blocks 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042 and 1043; and that part of Tarrant County tract 102402 included in block groups 3 and 4 and blocks 1001, 1004, 1005, 1006, 1010, 1011, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028; and that part of Tarrant County tract 102800 included in blocks 2021, 2024, 2025 and 2026; and that part of Tarrant County tract 104803 included in blocks 5008 and 5009; and that part of Tarrant County tract 104804 included in block group 1; and that part of Tarrant County tract 105403 included in block groups 2, 3, 4 and 5 and blocks 1021, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044 and 1045; and that part of Tarrant County tract 105405 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089,

3090, 3091, 3092, 3093, 3094, 3095 and 3096; and that part of Tarrant County tract 105600 included in block groups 2 and 3 and blocks 4000, 4001 and 4002; and that part of Tarrant County tract 110807 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049 and 3050; and that part of Tarrant County tract 110903 included in block group 1 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2037, 2041, 2042 and 2044; and that part of Tarrant County tract 111008 included in block groups 2 and 3 and blocks 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052 and 1053; and that part of Tarrant County tract 111013 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1038, 1039, 1040, 3033, 3034, 3035 and 3036; and that part of Tarrant County tract 111017 included in blocks 1016, 1019, 1020 and 1036; and that part of Tarrant County tract 111018 included in block group 2 and blocks 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Tarrant County tract 111204 included in blocks 2031, 2032, 2033 and 2036.

SECTION 23. District 23 is composed of Dallas County tracts 000401, 000404, 000405, 000500, 000800, 000900, 001001, 001002, 001101, 001102, 001302, 001502, 001503, 001504, 001900, 002000, 002100, 002200, 002400, 002500, 002701, 002702, 003101, 003400, 003700, 003800, 003901, 003902, 004000, 004100, 004201, 004202, 004300, 004400, 004500, 004600, 004700, 004800, 004900, 005000, 005100, 005200, 005300, 005400, 005500, 005600, 005700, 005901, 005902, 006001, 006002, 006100, 006200, 006301, 006302, 006401, 006402, 006501, 006502, 006700, 006800, 006900, 007102, 008400, 008500, 008603, 008604, 008701, 008703, 008704, 008705, 008801, 008802, 008900, 009000, 009101, 009103, 009104, 009105, 009201, 009202, 009301, 009303, 009304, 010101, 010102, 010500, 010601, 010602, 010701, 010703, 010704, 010801, 010803, 010804, 010805, 010902, 010903, 010904, 011001, 011002, 011101, 011103, 011104, 011105, 011200, 011300, 011401, 011500, 012000, 012100, 012206, 012207, 012208, 012302, 016502, 016509, 016510, 016511, 016513, 016514, 016516, 016517, 016518, 016519, 016520, 016521, 016605, 016606, 016607, 016610, 016611, 016612, 016615, 016616, 016617, 016618, 016619, 016620, 016621, 016622, 016623, 016624, 016625, 016626, 016701, 016703, 016704, 016705, 016802, 016803, 016804, 016902, 016903, 019900, 020200, 020300, 020400 and 020500; and that part of Dallas County tract 000300 included in block 3029; and that part of Dallas County tract 000406 included in block groups 1, 2, 4 and 5 and blocks 3022, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3049, 3050, 3051 and 3052; and that part of Dallas County tract 000601 included in blocks 2001, 2002, 2003, 2004, 2005, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 4000, 4002, 4003, 5001, 5002, 5003,

5004, 5005, 5006, 5007, 5008, 5009 and 5010; and that part of Dallas County tract 000603 included in blocks 3000 and 3003; and that part of Dallas County tract 000605 included in blocks 2011, 2013, 2017 and 2018; and that part of Dallas County tract 001202 included in blocks 1008, 1012, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046; and that part of Dallas County tract 001203 included in blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009; and that part of Dallas County tract 001204 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Dallas County tract 001301 included in blocks 1008, 1016, 1017, 1018, 1019 and 1020; and that part of Dallas County tract 001400 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 3000, 3001, 3002, 3003, 3007, 3011, 3012, 3013, 3014, 3015, 3016, 3018, 3019, 3020, 3021, 4000 and 4001; and that part of Dallas County tract 001600 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2041 and 2042; and that part of Dallas County tract 001701 included in blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064; and that part of Dallas County tract 001704 included in blocks 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013; and that part of Dallas County tract 001800 included in blocks 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040 and 2041; and that part of Dallas County tract 010000 included in block group 1 and blocks 2007, 2008, 2009, 2010, 2025, 2026, 2027, 2030, 2031, 2032, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261,

2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371 and 2372; and that part of Dallas County tract 011601 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015 and 2016; and that part of Dallas County tract 011602 included in blocks 1014, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019 and 2020; and that part of Dallas County tract 011800 included in block groups 2, 3, 4 and 5; and that part of Dallas County tract 011900 included in block groups 1, 2, 3, 4 and 6; and that part of Dallas County tract 012204 included in blocks 3014, 3015, 3016, 3017, 4005, 4017, 4018, 4021, 4022, 4023, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5016, 5017, 5018, 5019, 5020 and 5022; and that part of Dallas County tract 012210 included in block group 1 and blocks 2000, 2004, 2008, 2010, 2011, 2012, 2013 and 2022; and that part of Dallas County tract 012211 included in block groups 2 and 3; and that part of Dallas County tract 012301 included in blocks 3001, 3002, 3003, 3006 and 3007; and that part of Dallas County tract 015800 included in blocks 1052, 1076, 1077, 1079, 1080, 1081, 1084, 1085, 1086, 1088, 1089, 1090, 1091, 1092, 1093, 1094 and 1099; and that part of Dallas County tract 015900 included in blocks 3001, 3002, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3032, 3033, 3034, 3035 and 3043; and that part of Dallas County tract 016301 included in blocks 1000, 2002, 2003, 2006, 2008, 2034, 2035, 2036, 2037, 2038, 3000 and 3002; and that part of Dallas County tract 016408 included in blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006; and that part of Dallas County tract 016409 included in blocks 1000, 1001, 1002, 1004 and 1031; and that part of Dallas County tract 016411 included in blocks 2039 and 2041; and that part of Dallas County tract 016412 included in blocks 1000, 1001, 1002, 1003, 1005, 1025, 1026, 1027, 2000, 2001, 2012, 2019, 2022, 2023, 2024, 2050 and 2051; and that part of Dallas County tract 016413 included in blocks 2044, 2045 and 2046; and that part of Dallas County tract 016522 included in block group 2 and blocks 1000, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067 and 1068; and that part of Dallas County tract 016523 included in block groups 2 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1047, 1048, 1049, 1050, 3000, 3024, 3025, 3026, 3027, 3029 and 3030; and that part of Dallas County tract 017605 included in block group 2 and blocks 1000,

1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Dallas County tract 017805 included in blocks 1027, 1028, 1030, 1031, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2038 and 2039; and that part of Dallas County tract 017806 included in blocks 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026; and that part of Dallas County tract 020100 included in blocks 2025, 2026, 2028, 2032, 2033, 2036, 2037, 2038, 2039, 2040, 2041 and 2042; and that part of Dallas County tract 980100 included in blocks 1004, 1005, 1019, 1020, 1022, 1024, 1025, 1026, 1033, 1036 and 1037.

(Senator Eltife in Chair)

The amendment to **CSSB 31** was read.

On motion of Senator Seliger, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 31** in Article II of the bill by striking SECTIONS 14, 19, 21, and 26 and substituting the following:

SECTION 14. District 14 is composed of Bastrop County; and Travis County tracts 000101, 000102, 000203, 000204, 000205, 000206, 000302, 000304, 000305, 000306, 000307, 000401, 000402, 000500, 000601, 000603, 000604, 000700, 000801, 000802, 000803, 000804, 000901, 000902, 001100, 001200, 001303, 001304, 001305, 001307, 001308, 001401, 001402, 001501, 001503, 001504, 001505, 001602, 001603, 001604, 001605, 001606, 001705, 001706, 001707, 001712, 001713, 001714, 001716, 001718, 001719, 001722, 001728, 001729, 001745, 001746, 001747, 001748, 001750, 001751, 001752, 001753, 001754, 001755, 001756, 001757, 001760, 001761, 001765, 001766, 001776, 001779, 001780, 001781, 001782, 001783, 001785, 001786, 001804, 001805, 001806, 001811, 001812, 001813, 001817, 001818, 001819, 001820, 001821, 001822, 001823, 001824, 001826, 001828, 001829, 001832, 001833, 001834, 001835, 001839, 001840, 001841, 001842, 001843, 001844, 001845, 001846, 001847, 001848, 001849, 001850, 001851, 001853, 001854, 001855, 001856, 001857, 001858, 001859, 001860, 001861, 001862, 001863, 001864, 001901, 001910, 001911, 001912, 001913, 001917, 001918, 001919, 002002, 002004, 002005, 002104, 002105, 002106, 002107, 002108, 002109, 002110, 002111, 002112, 002113, 002201, 002202, 002207, 002208, 002209, 002210, 002211, 002212, 002308, 002319 and 002500; and that part of Travis County tract 001000 included in block groups 1, 2, 3 and 5 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006,

4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4019; and that part of Travis County tract 001737 included in block 1014; and that part of Travis County tract 001738 included in blocks 1000, 1009, 2000, 2001, 2004, 2005 and 2006; and that part of Travis County tract 001740 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2032; and that part of Travis County tract 001749 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1021; and that part of Travis County tract 001771 included in blocks 1013, 1014 and 2045; and that part of Travis County tract 001777 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032; and that part of Travis County tract 001784 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2021, 2022, 2024, 2025, 2026, 2027, 2028 and 2029; and that part of Travis County tract 001914 included in block groups 2 and 3 and blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1015, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Travis County tract 001915 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064; and that part of Travis County tract 001916 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1038, 1042, 1043 and 1044; and that part of Travis County tract 002310 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2029, 2032, 2033, 2038, 2042 and 2064; and that part of Travis County tract 002312 included in blocks 3019, 3021, 3022, 3023 and 3024; and that part of Travis County tract 002313 included in block 1007; and that part of Travis County tract 002314 included in blocks 2009, 2010, 2012, 2015 and 2016; and that part of Travis County tract 002318 included in block 2015; and that part of Travis County tract 002403 included in blocks 1000, 1001, 1002, 1003, 1005, 1006 and 1024; and that part of Travis County tract 002423 included in blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012; and that part of Travis County tract 002431 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1021, 1022, 1023, 1046, 1047, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027 and 2028; and that part of Travis County tract 002432 included in blocks 1000 and 1001; and that part of Travis County tract 002433 included in blocks 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1058, 1059, 1060, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2049, 2050 and 2063; and that part of Travis County tract 002435 included in blocks 2035 and 2036; and that part of Travis County tract 980000 included in blocks 1002, 1003,

1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042.

SECTION 19. District 19 is composed of Brewster, Crockett, Dimmit, Edwards, Frio, Kinney, Maverick, Medina, Pecos, Real, Reeves, Terrell, Uvalde, Val Verde and Zavala Counties; and Atascosa County tracts 960201, 960202, 960300, 960401 and 960402; and that part of Atascosa County tract 960100 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2122, 2123, 2124, 2125, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4064, 4065, 4070, 4071, 4072 and 4073; and that part of Atascosa County tract 960500 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177 and 2178; and that part of Atascosa County tract 960600 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051,

4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4087, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4346 and 4348; and Bexar County tracts 130200, 130500, 130600, 130800, 130900, 131000, 131100, 131200, 131300, 131401, 131402, 131503, 131504, 131505, 131506, 131507, 131601, 131614, 131700, 131801, 131802, 140600, 141101, 141102, 141200, 141300, 141402, 141403, 141404, 141600, 141700, 141900, 150501, 150502, 150600, 150900, 151000, 151100, 151200, 151301, 151302, 151400, 151500, 151600, 151700, 151900, 152000, 160901, 160902, 161000, 161100, 161200, 161302, 161303, 161304, 161801, 161802, 161901, 161902, 162001, 162003, 162004, 172002, 172003, 172005, 172006, 172007, 181720, 181721, 181724, 181729, 181823, 181824, 181825, 181826, 182001, 182003, 192200, 980002 and 980003; and that part of Bexar County tract 120501 included in blocks 3047, 3048 and 3050; and that part of Bexar County tract 121402 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1043, 1044, 1047, 1048, 1049, 1050, 1051, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012; and that part of Bexar County tract 121403 included in blocks 1008 and 1009; and that part of Bexar County tract 121404 included in blocks 3000, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030; and that part of Bexar County tract 121506 included in block 3015; and that part of Bexar County tract 121508 included in block 3010; and that part of Bexar County tract 121601 included in block groups 3 and 4; and that part of Bexar County tract 121604 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 4005, 4018, 4019 and 4020; and that part of Bexar County tract 121605 included in blocks 2001, 2002, 2009, 2010, 2011, 2013, 2015, 2017, 2018 and 2019; and that part of Bexar County tract 121701 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004 and 1011; and that part of Bexar County tract 130300 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4015 and 4016; and that part of Bexar County tract 130402 included in block group 3 and blocks 1000, 1001, 1002, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1027, 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024; and that part of Bexar County tract 130700 included in blocks 1016 and 1056; and that part of Bexar County tract 131606 included in block group 2 and blocks 1000, 1002, 1004, 1005, 1006, 1008, 1010, 1012, 1013, 1020 and 1021; and that part of Bexar County tract 131608 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Bexar County tract 131609 included in block

1029; and that part of Bexar County tract 131615 included in block groups 2 and 3 and blocks 4004, 4005, 4006, 4007, 4009, 4011, 4012, 4015 and 4016; and that part of Bexar County tract 140800 included in block group 3 and blocks 2014, 2015, 2016, 2017, 2018, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017; and that part of Bexar County tract 141000 included in blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3002, 3003, 3008, 3009, 3010, 3011, 3012 and 3013; and that part of Bexar County tract 141800 included in blocks 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1087, 1088, 1089 and 1090; and that part of Bexar County tract 150700 included in block groups 2, 3, 4, 5 and 6 and blocks 1000, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017; and that part of Bexar County tract 150800 included in block groups 1 and 2 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019; and that part of Bexar County tract 152100 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020 and 1021; and that part of Bexar County tract 152201 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3030, 3031, 3033, 3035, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3044, 3076, 3077, 3078 and 3079; and that part of Bexar County tract 160400 included in blocks 4022, 4023 and 4025; and that part of Bexar County tract 160701 included in blocks 1033, 1034, 3012, 3013 and 3016; and that part of Bexar County tract 160702 included in blocks 3015 and 3017; and that part of Bexar County tract 161400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133 and 1134; and that part of Bexar County tract 161501 included in block groups 1, 2 and 5 and block 3001; and that part of Bexar County tract 161503 included in block groups 2 and 3; and that part of Bexar County tract 161504 included in block group 2; and that part of Bexar County tract 161600 included in blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2021, 2023, 2024, 2025, 2026, 2027, 2071, 2073 and 2075; and that part of Bexar County tract 171912 included in blocks 1023, 1024, 1025, 1035 and 1036; and that part of Bexar County tract 171916 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1031; and that part of Bexar County tract 171917 included in block group 1 and blocks 2016, 2031 and

2032; and that part of Bexar County tract 171918 included in blocks 1000, 1018, 1020, 1027, 1028, 1029, 1030, 1033, 1034, 1035 and 1036; and that part of Bexar County tract 172004 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051 and 1052; and that part of Bexar County tract 181703 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011 and 1012; and that part of Bexar County tract 181726 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2029, 2030 and 2031; and that part of Bexar County tract 181728 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059 and 1060; and that part of Bexar County tract 181809 included in block groups 1, 2 and 3 and blocks 4002, 4003, 4006, 4007, 4011, 4012, 4015, 4016 and 4017; and that part of Bexar County tract 181811 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1009; and that part of Bexar County tract 181819 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027; and that part of Bexar County tract 181820 included in block 2017; and that part of Bexar County tract 181901 included in block group 1 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Bexar County tract 182002 included in block groups 2 and 3 and blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1049, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077 and 1078; and that part of Bexar County tract 182103 included in blocks 1072 and 1148; and that part of Bexar County tract 182106 included in blocks 1056, 1057, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 2008, 2009, 2010, 2019, 2028, 2030, 2031, 2032, 2033 and 2034; and that part of Bexar County tract 191807 included in blocks 2020, 2021, 2024, 2025, 2026, 2027, 2028 and 2032; and that part of Bexar County tract 191900 included in blocks 1030, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3011, 3012, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048,

3049, 3050, 5013, 5014, 5015 and 5020; and that part of Bexar County tract 980100 included in blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170 and 1171.

SECTION 21. District 21 is composed of Bee, Caldwell, Duval, Jim Hogg, Karnes, La Salle, Live Oak, McMullen, San Patricio, Starr, Webb, Wilson and Zapata Counties; and that part of Atascosa County tract 960100 included in blocks 2025, 2026, 2049, 2121, 2126, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4061, 4062, 4063, 4066, 4067, 4068, 4069, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4358, 4359, 4360, 4361, 4362, 4363, 4364, 4365, 4366 and 4367; and that part of Atascosa County tract 960500 included in block 2148; and that part of Atascosa County tract 960600 included in blocks 4041, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073,

4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4088, 4089, 4090, 4091, 4092, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4345 and 4347; and Bexar County tract 152202; and that part of Bexar County tract 141800 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1086, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129 and 1130; and that part of Bexar County tract 152100 included in block 1022; and that part of Bexar County tract 152201 included in block groups 1 and 2 and blocks 3025, 3026, 3027, 3028, 3029, 3032, 3034, 3040, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074 and 3075; and Guadalupe County tracts 210100, 210200, 210400, 210505, 210506, 210901 and 210902; and that part of Guadalupe County tract 210300 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1007, 1008, 1009, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Guadalupe County tract 210504 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1067, 1068, 1069, 1070, 1071, 1089, 1090, 1091, 1092 and 1093; and that part of Guadalupe County tract 210508 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016 and 2020; and that part of Guadalupe County tract 210801 included in block groups 2 and 3 and blocks 1026, 1030, 1031, 1042, 1043, 1044, 1045, 1051, 1052, 1053, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071,

1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096 and 1097; and that part of Guadalupe County tract 210803 included in block group 2 and blocks 1005, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083 and 1084; and that part of Guadalupe County tract 210804 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2126, 2128 and 2129; and Hays County tracts 010302, 010303, 010400 and 010500; and that part of Hays County tract 010100 included in blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 2006, 2007, 2008, 2009, 2010, 2016, 2030, 2031, 2035, 2036, 2037, 2038, 2039, 2040 and 2041; and that part of Hays County tract 010304 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011, 3015, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3036, 3045, 3046, 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008 and 4009; and that part of Hays County tract 010600 included in block group 3 and blocks 4026, 6018, 6019, 6020, 6021, 6022, 6023, 6024 and 6025; and that part of Hays County tract 010701 included in blocks 2022 and 2023; and that part of Hays County tract 010905 included in blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1063, 3050, 3086 and 3087; and that part of Hays County tract 010906 included in block groups 1, 3 and 4 and blocks 2002, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060 and 2061; and that part of Hays County tract 010907 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3044, 3045, 3046, 3048, 3049, 3050 and 3051; and that part of Hays County tract 010908 included in blocks 1031, 1032, 1033, 1047, 1048, 1049 and 2078; and that part of Hays County tract 010910 included in blocks 2005, 2006, 2008, 2009, 2010, 2011, 2012 and 4015; and Travis County tracts 001403, 002003, 002304, 002307, 002315, 002316, 002317, 002402, 002409, 002410, 002411, 002412, 002413, 002419, 002424, 002426, 002427, 002430 and 002436; and that part of Travis County tract 001000 included in blocks 4017, 4018 and 4020; and that part of Travis County tract 002310 included in blocks 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027,

2028, 2030, 2031, 2034, 2035, 2036, 2037, 2039, 2040, 2041, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062 and 2063; and that part of Travis County tract 002312 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3020, 3025, 3026 and 3027; and that part of Travis County tract 002313 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006; and that part of Travis County tract 002314 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2013, 2014, 2017, 2018, 2019 and 2020; and that part of Travis County tract 002318 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016 and 2017; and that part of Travis County tract 002403 included in block group 2 and blocks 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035; and that part of Travis County tract 002422 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019 and 2020; and that part of Travis County tract 002423 included in block group 1 and blocks 2000, 2001, 2002, 2003, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016 and 3018; and that part of Travis County tract 002428 included in blocks 2000, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035 and 2036; and that part of Travis County tract 002429 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1010, 1012, 1013 and 1014; and that part of Travis County tract 002431 included in block group 3 and blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1048, 1049, 1050, 1051, 2000, 2005 and 2021; and that part of Travis County tract 002432 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Travis County tract 002433 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1044, 1057, 1061, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2065, 2066, 2067, 2068, 2069 and 2070; and that part of Travis County tract 002434 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1023, 1024, 1025, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062 and 1063; and that part of Travis County tract 002435 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024,

2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061 and 2062; and that part of Travis County tract 980000 included in blocks 1000, 1001 and 1026.

SECTION 26. District 26 is composed of Bexar County tracts 110100, 110300, 110500, 110600, 110700, 110800, 110900, 111000, 120100, 121300, 121501, 121504, 121505, 121507, 130401, 131610, 131611, 131612, 131613, 140100, 140200, 140300, 140400, 140500, 140700, 140900, 150100, 150300, 150400, 160100, 160200, 160300, 160501, 160502, 160600, 170101, 170102, 170200, 170300, 170401, 170402, 170500, 170600, 170700, 170800, 170900, 171000, 171100, 171200, 171301, 171302, 171401, 171402, 171501, 171502, 171601, 171602, 171700, 171801, 171802, 171902, 171903, 171913, 171914, 171915, 171919, 171920, 171921, 171922, 171923, 171924, 171925, 180101, 180102, 180201, 180202, 180300, 180400, 180501, 180503, 180504, 180602, 180603, 180604, 180701, 180702, 180800, 180901, 180902, 181001, 181003, 181004, 181005, 181100, 181301, 181302, 181303, 181402, 181403, 181404, 181503, 181504, 181505, 181506, 181601, 181602, 181704, 181705, 181711, 181712, 181713, 181715, 181716, 181718, 181722, 181723, 181725, 181727, 181730, 181731, 181808, 181813, 181814, 181815, 181816, 181817, 181818, 181821, 181822, 190100, 190200, 190400, 190501, 190503, 190504, 190601, 190603, 190604, 190700, 190901, 191003, 191004, 191005, 191006, 192000 and 192100; and that part of Bexar County tract 120300 included in block 4025; and that part of Bexar County tract 120400 included in block group 6; and that part of Bexar County tract 120501 included in block groups 1, 4, 5 and 6 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3049, 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013 and 7014; and that part of Bexar County tract 120502 included in block groups 1, 2, 3, 5 and 6 and blocks 4000, 4005, 4006, 4007 and 4008; and that part of Bexar County tract 120701 included in block groups 1 and 3 and blocks 2000, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023; and that part of Bexar County tract 120702 included in blocks 1003, 1004, 1005, 1006 and 1023; and that part of Bexar County tract 120902 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010 and 3011; and that part of Bexar County tract 121203 included in block group 4 and blocks 1030, 1031, 1032, 1033, 2010, 2011, 2012, 2013, 2014, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3027; and that part of Bexar County tract 121402 included in blocks 1042, 1045, 1046 and 2013; and that part of Bexar County tract 121403 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007 and 1010; and that part of Bexar County tract 121404 included in block groups 1 and 2

and blocks 3001, 3016, 3031, 3032, 3033 and 3034; and that part of Bexar County tract 121506 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3014; and that part of Bexar County tract 121508 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Bexar County tract 121604 included in blocks 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 4000, 4001, 4002, 4003, 4004, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4021, 4022, 4023 and 4024; and that part of Bexar County tract 121605 included in block 2014; and that part of Bexar County tract 121803 included in blocks 1016 and 1017; and that part of Bexar County tract 130300 included in block group 2 and blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 4013, 4014, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026 and 4027; and that part of Bexar County tract 130402 included in blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1023, 1024, 1026, 2005, 2006, 2007 and 2008; and that part of Bexar County tract 130700 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070 and 1071; and that part of Bexar County tract 131606 included in blocks 1001, 1003, 1007, 1009, 1011, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051 and 1052; and that part of Bexar County tract 131608 included in blocks 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 2031, 2032 and 2033; and that part of Bexar County tract 131609 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034 and 1035; and that part of Bexar County tract 131615 included in block group 1 and blocks 4000, 4001, 4002, 4003, 4008, 4010, 4013 and 4014; and that part of Bexar County tract 140800 included in block groups 1 and 5 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 4000, 4001 and 4002; and that part of Bexar County tract 141000 included in block group 1 and blocks 2000, 3000, 3001, 3004, 3005, 3006 and 3007; and that part of Bexar County tract 150700 included in blocks 1001 and 1007; and that part of Bexar County tract 150800 included in block 3000; and that part of Bexar County tract 160400 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021 and 4024; and that part of Bexar County tract 160701 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024,

1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1035, 1036, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3014 and 3015; and that part of Bexar County tract 160702 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3016; and that part of Bexar County tract 161400 included in blocks 1056, 1135, 1136 and 1137; and that part of Bexar County tract 161501 included in block group 4 and blocks 3000, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Bexar County tract 161503 included in block group 1; and that part of Bexar County tract 161504 included in block group 1; and that part of Bexar County tract 161600 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2017, 2020, 2022, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2072, 2074 and 2076; and that part of Bexar County tract 171912 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1037, 1038, 1039, 1040, 1041, 1042 and 1043; and that part of Bexar County tract 171916 included in blocks 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033 and 1034; and that part of Bexar County tract 171917 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Bexar County tract 171918 included in block groups 2, 3 and 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1031, 1032, 1037, 1038, 1039, 1040, 1041, 1042 and 1043; and that part of Bexar County tract 181200 included in block groups 4 and 5 and block 1011; and that part of Bexar County tract 181703 included in block groups 2 and 3 and block 1009; and that part of Bexar County tract 181726 included in blocks 2003, 2004 and 2028; and that part of Bexar County tract 181728 included in blocks 1026, 1043 and 1048; and that part of Bexar County tract 181809 included in blocks 4000, 4001, 4004, 4005, 4008, 4009, 4010, 4013 and 4014; and that part of Bexar County tract 181811 included in block group 2 and blocks 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Bexar County tract 181819 included in block 2005; and that part of Bexar County tract 181820 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018 and 2019; and that part of Bexar County tract 190902 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016 and 3030; and that part of Bexar County tract 191102 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019 and 3020; and that part of Bexar County tract 191201 included in blocks 3005, 3006, 3010, 3011 and 3012; and that part of Bexar County tract 191202 included in block group 2 and blocks 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Bexar County tract 191304 included in blocks 1020, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1043,

1044, 1045, 1046, 1047, 1048, 1053, 1054, 1055, 2011, 2018, 2019 and 2021; and that part of Bexar County tract 191807 included in blocks 2029, 2030, 2031 and 2048; and that part of Bexar County tract 191900 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1046, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 3007, 3008, 3009, 3010, 3013, 3014, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5016, 5017, 5018, 5019 and 5021; and that part of Bexar County tract 980100 included in blocks 1003, 1013, 1014, 1028, 1029, 1030, 1039, 1040, 1050, 1051 and 1158.

The amendment to **CSSB 31** was read.

Senator Uresti offered the following substitute amendment for Floor Amendment No. 3:

Floor Amendment No. 4

Amend **CSSB 31** in Article II of the bill by striking SECTIONS 14, 19, 21, and 26 and substituting the following:

SECTION 14. District 14 is composed of Bastrop County; and Travis County tracts 000101, 000102, 000203, 000204, 000205, 000206, 000302, 000304, 000305, 000306, 000307, 000401, 000402, 000500, 000601, 000603, 000604, 000700, 000801, 000802, 000803, 000804, 000901, 000902, 001100, 001200, 001303, 001304, 001305, 001307, 001308, 001401, 001402, 001501, 001503, 001504, 001505, 001602, 001603, 001604, 001605, 001606, 001705, 001706, 001707, 001712, 001713, 001714, 001716, 001718, 001719, 001722, 001728, 001729, 001745, 001746, 001747, 001748, 001750, 001751, 001752, 001753, 001754, 001755, 001756, 001757, 001760, 001761, 001765, 001766, 001776, 001779, 001780, 001781, 001782, 001783, 001785, 001786, 001804, 001805, 001806, 001811, 001812, 001813, 001817, 001818, 001819, 001820, 001821, 001822, 001823, 001824, 001826, 001828, 001829, 001832, 001833, 001834, 001835, 001839, 001840, 001841, 001842, 001843, 001844, 001845, 001846, 001847, 001848, 001849, 001850, 001851, 001853, 001854, 001855, 001856, 001857, 001858, 001859, 001860, 001861, 001862, 001863, 001864, 001901, 001910, 001911, 001912, 001913, 001917, 001918, 001919, 002002, 002004, 002005, 002104, 002105, 002106, 002107, 002108, 002109, 002110, 002111, 002112, 002113, 002201, 002202, 002207, 002208, 002209, 002210, 002211, 002212, 002308, 002319 and 002500; and that part of Travis County tract 001000 included in block groups 1, 2, 3 and 5 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4019; and that part of Travis County tract 001737 included in block 1014; and that part of Travis County tract 001738 included in blocks 1000, 1009, 2000, 2001, 2004, 2005 and 2006; and that part of Travis County tract 001740 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2032; and that part of Travis County tract 001749 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,

1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1021; and that part of Travis County tract 001771 included in blocks 1013, 1014 and 2045; and that part of Travis County tract 001777 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032; and that part of Travis County tract 001784 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2021, 2022, 2024, 2025, 2026, 2027, 2028 and 2029; and that part of Travis County tract 001914 included in block groups 2 and 3 and blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1015, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Travis County tract 001915 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064; and that part of Travis County tract 001916 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1038, 1042, 1043 and 1044; and that part of Travis County tract 002310 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2029, 2032, 2033, 2038, 2042 and 2064; and that part of Travis County tract 002312 included in blocks 3019, 3021, 3022, 3023 and 3024; and that part of Travis County tract 002313 included in block 1007; and that part of Travis County tract 002314 included in blocks 2009, 2010, 2012, 2015 and 2016; and that part of Travis County tract 002318 included in block 2015; and that part of Travis County tract 002403 included in blocks 1000, 1001, 1002, 1003, 1005, 1006 and 1024; and that part of Travis County tract 002423 included in blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012; and that part of Travis County tract 002431 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1021, 1022, 1023, 1046, 1047, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027 and 2028; and that part of Travis County tract 002432 included in blocks 1000 and 1001; and that part of Travis County tract 002433 included in blocks 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1058, 1059, 1060, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2049, 2050 and 2063; and that part of Travis County tract 002435 included in blocks 2035 and 2036; and that part of Travis County tract 980000 included in blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042.

SECTION 19. District 19 is composed of Brewster, Crockett, Dimmit, Edwards, Frio, Kinney, Maverick, Medina, Pecos, Real, Reeves, Terrell, Uvalde, Val Verde and Zavala Counties; and Atascosa County tracts 960201, 960202, 960300, 960401 and 960402; and that part of Atascosa County tract 960100 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,

2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2122, 2123, 2124, 2125, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4064, 4065, 4070, 4071, 4072 and 4073; and that part of Atascosa County tract 960500 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177 and 2178; and that part of Atascosa County tract 960600 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4087, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4346 and 4348; and Bexar County tracts 130200, 130500, 130600, 130900, 131000, 131100, 131200, 131300, 131401, 131402, 131504, 131505, 131506, 131507, 131601, 131612, 131613, 131700, 131801, 131802, 140600, 141101, 141102, 141200, 141300, 141402, 141403, 141404, 141600,

141700, 141900, 150501, 150502, 150600, 150900, 151000, 151100, 151200, 151301, 151302, 151400, 151500, 151600, 151700, 151900, 152000, 160901, 160902, 161000, 161100, 161200, 161302, 161303, 161304, 161801, 161802, 161901, 161902, 162001, 162003, 162004, 172002, 172003, 172005, 172006, 172007, 181720, 181721, 181724, 181729, 181823, 181824, 181825, 181826, 182001, 182003, 192200, 980002 and 980003; and that part of Bexar County tract 121601 included in block groups 3 and 4; and that part of Bexar County tract 121604 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 4005, 4018, 4019 and 4020; and that part of Bexar County tract 121605 included in blocks 2001, 2002, 2009, 2010, 2011, 2013, 2015, 2017, 2018 and 2019; and that part of Bexar County tract 121701 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004 and 1011; and that part of Bexar County tract 130300 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4015 and 4016; and that part of Bexar County tract 130402 included in block group 3 and blocks 1000, 1001, 1002, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1027, 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024; and that part of Bexar County tract 130700 included in blocks 1016 and 1056; and that part of Bexar County tract 130800 included in block groups 2, 3 and 4 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049 and 1050; and that part of Bexar County tract 131503 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024; and that part of Bexar County tract 131606 included in block group 2 and blocks 1000, 1002, 1004, 1005, 1006, 1008, 1010, 1012, 1013, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050 and 1051; and that part of Bexar County tract 131608 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Bexar County tract 131614 included in block group 1; and that part of Bexar County tract 131615 included in block group 3; and that part of Bexar County tract 140800 included in block group 3 and blocks 2014, 2015, 2016, 2017, 2018, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017; and that part of Bexar County tract 141000 included in blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3002, 3003, 3008, 3009, 3010, 3011, 3012 and 3013; and that part of Bexar County tract 141800 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022,

1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127 and 1128; and that part of Bexar County tract 150700 included in block groups 2, 3, 4, 5 and 6 and blocks 1000, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017; and that part of Bexar County tract 150800 included in block groups 1 and 2 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019; and that part of Bexar County tract 152100 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020 and 1021; and that part of Bexar County tract 152201 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3030, 3031, 3033, 3035, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3044, 3076, 3077, 3078 and 3079; and that part of Bexar County tract 160400 included in blocks 4022, 4023 and 4025; and that part of Bexar County tract 160701 included in blocks 1033, 1034, 3012, 3013 and 3016; and that part of Bexar County tract 160702 included in blocks 3015 and 3017; and that part of Bexar County tract 161400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133 and 1134; and that part of Bexar County tract 161501 included in block groups 1, 2 and 5 and block 3001; and that part of Bexar County tract 161503 included in block groups 2 and 3; and that part of Bexar County tract 161504 included in block group 2; and that part of Bexar County tract 161600 included in blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2021, 2023, 2024, 2025, 2026, 2027, 2071, 2073 and 2075; and that part of Bexar County tract 171912 included in blocks 1023, 1024, 1025, 1035 and 1036; and that part of Bexar County tract 171916 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1031; and that part of Bexar County tract 171917 included in block group 1 and blocks 2016, 2031 and 2032; and that part of Bexar County tract 171918 included in blocks 1000, 1018, 1020, 1027, 1028, 1029, 1030, 1033, 1034,

1035 and 1036; and that part of Bexar County tract 172004 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051 and 1052; and that part of Bexar County tract 181703 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011 and 1012; and that part of Bexar County tract 181726 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2029, 2030 and 2031; and that part of Bexar County tract 181728 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059 and 1060; and that part of Bexar County tract 181809 included in block groups 1, 2 and 3 and blocks 4002, 4003, 4006, 4007, 4011, 4012, 4015, 4016 and 4017; and that part of Bexar County tract 181811 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1009; and that part of Bexar County tract 181819 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027; and that part of Bexar County tract 181820 included in block 2017; and that part of Bexar County tract 181901 included in block group 1 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Bexar County tract 182002 included in block groups 2 and 3 and blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1049, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077 and 1078; and that part of Bexar County tract 182103 included in blocks 1072 and 1148; and that part of Bexar County tract 182106 included in blocks 1056, 1057, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 2008, 2009, 2010, 2019, 2028, 2030, 2031, 2032, 2033 and 2034; and that part of Bexar County tract 191807 included in blocks 2020, 2021, 2024, 2025, 2026, 2027, 2028 and 2032; and that part of Bexar County tract 191900 included in blocks 1030, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3011, 3012, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 5013, 5014, 5015 and 5020; and that part of Bexar County tract 980100 included in blocks 1000, 1001, 1002, 1004,

1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170 and 1171.

SECTION 21. District 21 is composed of Bee, Caldwell, Duval, Jim Hogg, Karnes, La Salle, Live Oak, McMullen, San Patricio, Starr, Webb, Wilson and Zapata Counties; and that part of Atascosa County tract 960100 included in blocks 2025, 2026, 2049, 2121, 2126, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4061, 4062, 4063, 4066, 4067, 4068, 4069, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4358, 4359, 4360, 4361, 4362, 4363, 4364, 4365, 4366 and 4367; and that part of Atascosa County tract 960500 included in block 2148; and that part of Atascosa County tract 960600 included in blocks 4041, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4088, 4089, 4090, 4091, 4092, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127,

4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4345 and 4347; and Bexar County tract 152202; and that part of Bexar County tract 141800 included in blocks 1129 and 1130; and that part of Bexar County tract 152100 included in block 1022; and that part of Bexar County tract 152201 included in block groups 1 and 2 and blocks 3025, 3026, 3027, 3028, 3029, 3032, 3034, 3040, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074 and 3075; and Guadalupe County tracts 210100, 210200, 210400, 210505, 210506, 210901 and 210902; and that part of Guadalupe County tract 210300 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1007, 1008, 1009, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Guadalupe County tract 210504 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1067, 1068, 1069, 1070, 1071, 1089, 1090, 1091, 1092 and 1093; and that part of Guadalupe County tract 210508 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016 and 2020; and that part of Guadalupe County tract 210801 included in block groups 2 and 3 and blocks 1026, 1030, 1031, 1042, 1043, 1044, 1045, 1051, 1052, 1053, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096 and 1097; and that part of Guadalupe County tract 210803 included in block group 2 and blocks 1005, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083 and 1084; and that part of Guadalupe County tract 210804 included in blocks 2000, 2001, 2002, 2003, 2004,

2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2126, 2128 and 2129; and Hays County tracts 010302, 010303, 010400 and 010500; and that part of Hays County tract 010100 included in blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 2006, 2007, 2008, 2009, 2010, 2016, 2030, 2031, 2035, 2036, 2037, 2038, 2039, 2040 and 2041; and that part of Hays County tract 010304 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011, 3015, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3036, 3045, 3046, 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008 and 4009; and that part of Hays County tract 010600 included in block group 3 and blocks 4026, 6018, 6019, 6020, 6021, 6022, 6023, 6024 and 6025; and that part of Hays County tract 010701 included in blocks 2022 and 2023; and that part of Hays County tract 010905 included in blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1063, 3050, 3086 and 3087; and that part of Hays County tract 010906 included in block groups 1, 3 and 4 and blocks 2002, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060 and 2061; and that part of Hays County tract 010907 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3044, 3045, 3046, 3048, 3049, 3050 and 3051; and that part of Hays County tract 010908 included in blocks 1031, 1032, 1033, 1047, 1048, 1049 and 2078; and that part of Hays County tract 010910 included in blocks 2005, 2006, 2008, 2009, 2010, 2011, 2012 and 4015; and Travis County tracts 001403, 002003, 002304, 002307, 002315, 002316, 002317, 002402, 002409, 002410, 002411, 002412, 002413, 002419, 002424, 002426, 002427, 002430 and 002436; and that part of Travis County tract 001000 included in blocks 4017, 4018 and 4020; and that part of Travis County tract 002310 included in blocks 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2030, 2031, 2034, 2035, 2036, 2037, 2039, 2040, 2041, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062 and 2063; and that part of Travis County tract 002312 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3020, 3025, 3026 and 3027; and that part of Travis County tract 002313 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006; and that part of Travis County tract 002314 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2013, 2014, 2017, 2018, 2019 and 2020; and that part of Travis County tract 002318 included in block group 1 and blocks 2000, 2001, 2002,

2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016 and 2017; and that part of Travis County tract 002403 included in block group 2 and blocks 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035; and that part of Travis County tract 002422 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019 and 2020; and that part of Travis County tract 002423 included in block group 1 and blocks 2000, 2001, 2002, 2003, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016 and 3018; and that part of Travis County tract 002428 included in blocks 2000, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035 and 2036; and that part of Travis County tract 002429 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1010, 1012, 1013 and 1014; and that part of Travis County tract 002431 included in block group 3 and blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1048, 1049, 1050, 1051, 2000, 2005 and 2021; and that part of Travis County tract 002432 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Travis County tract 002433 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1044, 1057, 1061, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2065, 2066, 2067, 2068, 2069 and 2070; and that part of Travis County tract 002434 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1023, 1024, 1025, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062 and 1063; and that part of Travis County tract 002435 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061 and 2062; and that part of Travis County tract 980000 included in blocks 1000, 1001 and 1026.

SECTION 26. District 26 is composed of Bexar County tracts 110100, 110300, 110500, 110600, 110700, 110800, 110900, 111000, 120100, 121300, 121402, 121403, 121404, 121501, 121504, 121505, 121506, 121507, 121508, 130401, 131609, 131610, 131611, 140100, 140200, 140300, 140400, 140500, 140700, 140900, 150100, 150300, 150400, 160100, 160200, 160300, 160501, 160502, 160600, 170101, 170102, 170200, 170300, 170401, 170402, 170500, 170600,

170700, 170800, 170900, 171000, 171100, 171200, 171301, 171302, 171401, 171402, 171501, 171502, 171601, 171602, 171700, 171801, 171802, 171902, 171903, 171913, 171914, 171915, 171919, 171920, 171921, 171922, 171923, 171924, 171925, 180101, 180102, 180201, 180202, 180300, 180400, 180501, 180503, 180504, 180602, 180603, 180604, 180701, 180702, 180800, 180901, 180902, 181001, 181003, 181004, 181005, 181100, 181301, 181302, 181303, 181402, 181403, 181404, 181503, 181504, 181505, 181506, 181601, 181602, 181704, 181705, 181711, 181712, 181713, 181715, 181716, 181718, 181722, 181723, 181725, 181727, 181730, 181731, 181808, 181813, 181814, 181815, 181816, 181817, 181818, 181821, 181822, 190100, 190200, 190400, 190501, 190503, 190504, 190601, 190603, 190604, 190700, 190901, 191003, 191004, 191005, 191006, 192000 and 192100; and that part of Bexar County tract 120300 included in block 4025; and that part of Bexar County tract 120400 included in block group 6; and that part of Bexar County tract 120501 included in block groups 1, 3, 4, 5 and 6 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013 and 7014; and that part of Bexar County tract 120502 included in block groups 1, 2, 3, 5 and 6 and blocks 4000, 4005, 4006, 4007 and 4008; and that part of Bexar County tract 120701 included in block groups 1 and 3 and blocks 2000, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023; and that part of Bexar County tract 120702 included in blocks 1003, 1004, 1005, 1006 and 1023; and that part of Bexar County tract 120902 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010 and 3011; and that part of Bexar County tract 121203 included in block group 4 and blocks 1030, 1031, 1032, 1033, 2010, 2011, 2012, 2013, 2014, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3027; and that part of Bexar County tract 121604 included in blocks 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 4000, 4001, 4002, 4003, 4004, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4021, 4022, 4023 and 4024; and that part of Bexar County tract 121605 included in block 2014; and that part of Bexar County tract 121803 included in blocks 1016 and 1017; and that part of Bexar County tract 130300 included in block group 2 and blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 4013, 4014, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026 and 4027; and that part of Bexar County tract 130402 included in blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1023, 1024, 1026, 2005, 2006, 2007 and 2008; and that part of Bexar County tract 130700 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070 and

1071; and that part of Bexar County tract 130800 included in blocks 1000, 1001 and 1022; and that part of Bexar County tract 131503 included in blocks 1000 and 3000; and that part of Bexar County tract 131606 included in blocks 1001, 1003, 1007, 1009, 1011, 1014, 1015, 1016, 1017 and 1052; and that part of Bexar County tract 131608 included in blocks 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 2031, 2032 and 2033; and that part of Bexar County tract 131614 included in block group 2; and that part of Bexar County tract 131615 included in block groups 1, 2 and 4; and that part of Bexar County tract 140800 included in block groups 1 and 5 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 4000, 4001 and 4002; and that part of Bexar County tract 141000 included in block group 1 and blocks 2000, 3000, 3001, 3004, 3005, 3006 and 3007; and that part of Bexar County tract 150700 included in blocks 1001 and 1007; and that part of Bexar County tract 150800 included in block 3000; and that part of Bexar County tract 160400 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021 and 4024; and that part of Bexar County tract 160701 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1035, 1036, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3014 and 3015; and that part of Bexar County tract 160702 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3016; and that part of Bexar County tract 161400 included in blocks 1056, 1135, 1136 and 1137; and that part of Bexar County tract 161501 included in block group 4 and blocks 3000, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Bexar County tract 161503 included in block group 1; and that part of Bexar County tract 161504 included in block group 1; and that part of Bexar County tract 161600 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2017, 2020, 2022, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2072, 2074 and 2076; and that part of Bexar County tract 171912 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1037, 1038, 1039, 1040, 1041, 1042 and 1043; and that part of Bexar County tract 171916 included in blocks 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033 and 1034; and that part of Bexar County tract 171917 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Bexar County tract 171918 included in block groups 2, 3 and 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1031, 1032, 1037, 1038, 1039, 1040, 1041,

1042 and 1043; and that part of Bexar County tract 181200 included in block groups 4 and 5 and block 1011; and that part of Bexar County tract 181703 included in block groups 2 and 3 and block 1009; and that part of Bexar County tract 181726 included in blocks 2003, 2004 and 2028; and that part of Bexar County tract 181728 included in blocks 1026, 1043 and 1048; and that part of Bexar County tract 181809 included in blocks 4000, 4001, 4004, 4005, 4008, 4009, 4010, 4013 and 4014; and that part of Bexar County tract 181811 included in block group 2 and blocks 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Bexar County tract 181819 included in block 2005; and that part of Bexar County tract 181820 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018 and 2019; and that part of Bexar County tract 190902 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016 and 3030; and that part of Bexar County tract 191102 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019 and 3020; and that part of Bexar County tract 191201 included in blocks 3005, 3006, 3010, 3011 and 3012; and that part of Bexar County tract 191202 included in block group 2 and blocks 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Bexar County tract 191304 included in blocks 1020, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1053, 1054, 1055, 2011, 2018, 2019 and 2021; and that part of Bexar County tract 191807 included in blocks 2029, 2030, 2031 and 2048; and that part of Bexar County tract 191900 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1046, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 3007, 3008, 3009, 3010, 3013, 3014, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5016, 5017, 5018, 5019 and 5021; and that part of Bexar County tract 980100 included in blocks 1003, 1013, 1014, 1028, 1029, 1030, 1039, 1040, 1050, 1051 and 1158.

The substitute to Floor Amendment No. 3 to **CSSB 31** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Question recurring on the adoption of Floor Amendment No. 3 to **CSSB 31**, the amendment as substituted was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 as substituted.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 31** in Article II of the bill by striking SECTIONS 6 and 13 and substituting the following:

SECTION 6. District 6 is composed of Harris County tracts 210400, 210500, 210600, 210700, 211900, 220100, 220200, 220300, 220400, 220600, 220700, 220900, 221000, 221100, 221200, 221300, 221400, 221500, 221600, 221700, 221800, 221900, 222000, 222100, 222200, 222300, 222401, 222402, 222501, 222502, 222503, 222600, 222800, 222900, 223001, 223002, 223100, 230500, 231700, 232100, 232301, 232302, 232800, 233101, 233102, 233103, 233200, 233300, 233500, 233702, 233703, 240100, 240600, 252302, 252400, 252500, 253300, 253400, 254000, 254100, 254200, 254300, 254400, 254500, 254600, 254700, 310200, 310300, 310500, 310600, 310700, 310800, 310900, 311000, 311100, 311200, 311300, 311400, 311500, 311600, 311700, 311800, 311900, 320100, 320200, 320500, 320601, 320602, 320700, 320800, 320900, 321000, 321401, 321402, 321500, 321600, 321700, 321800, 321900, 322000, 322100, 322200, 322600, 322700, 322800, 322900, 323000, 323100, 323200, 323300, 324100, 324200, 332500, 332600, 332700, 332800, 332900, 333000, 333100, 333201, 333202, 333300, 333500, 333800, 333901, 333902, 334001, 334002, 342400, 350400, 350500, 511600, 530700, 533500, 533600, 533702, 550100 and 980000; and that part of Harris County tract 10000 included in blocks 1035, 1036, 1037, 1040, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1056, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1082, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1095, 1096, 1097, 1098, 1107, 1108, 2075, 2076, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2112, 2113, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2132, 2133, 2135, 2136, 2137 and 2138; and that part of Harris County tract 210800 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1063, 1081, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2021, 2049, 2050, 2051, 2052, 2053 and 2059; and that part of Harris County tract 211400 included in blocks 2039 and 2040; and that part of Harris County tract 211500 included in block groups 1, 3, 4 and 5 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2056; and that part of Harris County tract 211600 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054 and 2055; and that part of Harris County tract 212300 included in block groups 1, 2, 4 and 5; and that part of Harris County tract 212400 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026,

2027, 2034, 2035, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2080, 2081, 2082, 2084, 2085, 2086, 2087, 2088, 2089 and 2105; and that part of Harris County tract 212500 included in blocks 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3124, 3125, 3142, 3151, 3152, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3185, 3186, 3187, 3195, 3196 and 3197; and that part of Harris County tract 220500 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3027; and that part of Harris County tract 220800 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2038; and that part of Harris County tract 222700 included in blocks 1014, 1015, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1116, 1117, 1118, 1119, 1120, 1133, 1134, 1135, 1137, 1138 and 1139; and that part of Harris County tract 231100 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1096, 1097, 1098, 1099, 1100, 1101, 1105, 1106, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1134, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162 and 1163; and that part of Harris County tract 231200 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1025, 1026, 1028, 1029, 1030, 1031, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1058, 1059, 1060, 1061 and 1062; and that part of Harris County tract 231300 included in blocks 1000 and 1001; and that part of

Harris County tract 231800 included in blocks 1010, 1011, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024; and that part of Harris County tract 231900 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2026 and 2036; and that part of Harris County tract 232000 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2085, 2086, 2087, 2088, 2089, 2090, 2094, 2098, 2099, 2102, 2103, 2108, 2109 and 2110; and that part of Harris County tract 232200 included in block groups 1, 2 and 3 and blocks 4023, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069 and 4070; and that part of Harris County tract 232500 included in blocks 1000, 1001, 1009, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1107, 1111 and 1114; and that part of Harris County tract 232701 included in block groups 2 and 3; and that part of Harris County tract 232702 included in block groups 1 and 2 and blocks 3050 and 3051; and that part of Harris County tract 233400 included in blocks 1023, 1040, 1041, 1044, 1045, 1046, 2024, 2025, 2026, 2037, 2038 and 2049; and that part of Harris County tract 233701 included in block group 2 and blocks 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188 and 1189; and that part of Harris County tract 240501 included in blocks 1026, 1027, 1031, 1032, 1033, 1035, 1036, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 2001, 2002, 2003 and 2004; and that part of Harris County tract 240502 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009 and 1010; and that part of Harris County tract 241500 included in block group 4 and blocks 3156, 3157, 3158 and 3159; and that part of Harris County tract 250200 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2009, 2012, 2021, 2037, 2038, 2039, 2040 and 2042; and that part

of Harris County tract 250301 included in blocks 2014, 2015 and 2030; and that part of Harris County tract 250402 included in blocks 1112, 1113 and 1114; and that part of Harris County tract 252301 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 253200 included in block group 1 and blocks 2051, 2053, 2054, 2055, 2059, 2060, 2061, 2062 and 2063; and that part of Harris County tract 253500 included in blocks 3016, 3017, 3018, 3029, 3030, 3042, 3043, 3044, 3045 and 4015; and that part of Harris County tract 253600 included in block group 4 and blocks 1036, 1037, 1038, 2007, 2008, 2026 and 2027; and that part of Harris County tract 253700 included in block group 1 and blocks 2027, 2028, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042 and 2044; and that part of Harris County tract 310100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184 and 2185; and that part of Harris County tract 310400 included in block groups 2 and 3 and blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037; and that part of Harris County tract 313300 included in blocks 1011 and 1012; and that part of Harris County tract 313400 included in block 2000; and that part of Harris County tract 321100 included in block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115,

1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132 and 1133; and that part of Harris County tract 321300 included in block group 1 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 3018, 3019, 3021, 3022, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3034; and that part of Harris County tract 323400 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010; and that part of Harris County tract 323500 included in blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 323801 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010; and that part of Harris County tract 323802 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1025, 2000, 2001 and 2002; and that part of Harris County tract 323900 included in block group 1; and that part of Harris County tract 333600 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3009, 3010, 3011, 3012, 3013, 3014 and 3015; and that part of Harris County tract 333700 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135 and 2136; and that part of Harris County tract 334003 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3025, 3026 and 3027; and that part of Harris County tract 340100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1040, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071 and 1077; and that part of Harris County tract 342200 included in blocks 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1021 and 1023; and that part of Harris County tract 342500 included in blocks 1015, 1022, 3002, 3003, 3004 and 3011; and that part of Harris County tract 343600 included in blocks 1045, 1046, 1047, 1048, 1049, 1050, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189,

1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1792, 1793, 1798, 1802, 1803, 1805, 1806, 1807, 1808 and 1809; and that part of Harris County tract 350100 included in blocks 1000, 1006, 1007, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2045 and 2046; and that part of Harris County tract 350200 included in block 4018; and that part of Harris County tract 350300 included in block group 1 and blocks 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022; and that part of Harris County tract 350601 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054 and 1069; and that part of Harris County tract 510100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1062, 1063, 1064, 1065, 1066, 1067, 1077 and 1090; and that part of Harris County tract 510200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 2056, 2057, 2058, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2129, 2130, 2131, 2132, 2134 and 2135; and that part of Harris County tract 510300 included in blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 2028, 2034, 2038, 2039, 4000, 4006 and 4007; and that part of Harris County tract 511400 included in blocks 1000, 1001, 1004, 1005, 1006, 1011, 1012, 2000, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2028, 2029, 2030, 2035, 3000, 3001, 3002, 3003, 3004 and 3010; and that part of Harris County tract 511500 included in block groups 1 and 2 and

blocks 3000, 3001, 3002, 3005, 3006, 3009, 3010, 3011, 3012, 3018, 3020, 3021, 3022, 3023 and 3024; and that part of Harris County tract 530400 included in blocks 2000, 2003, 2004, 2005, 2034 and 2036; and that part of Harris County tract 530500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 2000, 2001, 2002, 2003 and 2005; and that part of Harris County tract 530600 included in blocks 1000, 1001, 1002, 1003, 1005 and 1011; and that part of Harris County tract 530800 included in blocks 1000, 1001, 1010, 1011, 1018, 1019, 1020, 1039, 1040 and 1041; and that part of Harris County tract 533300 included in block 2027; and that part of Harris County tract 533701 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3026, 3027, 3028, 3031, 3032, 3033, 3034 and 3035; and that part of Harris County tract 550200 included in block group 2 and blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019; and that part of Harris County tract 550500 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2048, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2058; and that part of Harris County tract 550601 included in blocks 2000, 2004 and 2015; and that part of Harris County tract 550602 included in blocks 1017, 1018 and 1019.

SECTION 13. District 13 is composed of Fort Bend County tracts 670101, 670102, 670200, 670300, 670400, 670500, 670601, 670602, 670700, 670800, 670902, 671200 and 671300; and that part of Fort Bend County tract 670901 included in block group 2 and blocks 1000, 1001, 1051, 1052, 3022, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038 and 3039; and that part of Fort Bend County tract 671002 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 4000, 4001, 4002, 4003 and 4009; and that part of Fort Bend County tract 671100 included in block groups 1 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2021, 3000, 3001 and 3002; and that part of Fort Bend County tract 671400 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058 and 1059; and that part of Fort Bend County tract 671800 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108,

2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146 and 2147; and that part of Fort Bend County tract 672001 included in blocks 1053 and 1054; and that part of Fort Bend County tract 672002 included in block group 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013; and that part of Fort Bend County tract 674502 included in blocks 1000, 1001, 1002, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1182, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1207 and 1259; and Harris County tracts 210100, 210900, 211000, 211100, 211200, 211300, 211700, 230100, 230200, 230300, 230400, 230600, 230700, 230800, 230900, 231000, 231400, 231500, 231600, 312000, 312100, 312200, 312300, 312400, 312500, 312700, 312800, 312900, 313000, 313100, 313200, 313500, 313600, 313700, 313800, 313900, 314001, 314002, 314400, 330100, 330200, 330301, 330302, 330303, 330400, 330500, 330600, 330700, 330800, 330900, 331100, 331200, 331300, 331400, 331500, 331601, 331602, 331700, 331800, 331900, 332000, 332100, 332200, 332300, 332400, 334100, 412000, 412100, 420100, 420400, 420500, 421101, 421102, 421201, 421202, 421300, 421401, 421402, 421403, 421500, 422200, 422301, 422302, 422401, 422701, 422702, 422800, 422900, 423000, 423100, 423201, 423202, 423301, 423302, 423401, 423402, 423500, 423600, 432300, 432400, 432701, 432801, 432802, 432901, 432902, 433001, 433002, 433003, 433100, 433201, 433202, 433300, 433400, 433501, 433502, 433600, 440100, 451902, 452100, 452201, 452202, 452300, 452400, 452500, 452802, 452900, 453000, 453100, 453200, 453300, 453401, 453402, 453601 and 453602; and that part of Harris County tract 100000 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1038, 1039, 1041, 1042, 1043, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1083, 1093, 1094, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2077, 2078, 2079, 2080, 2081, 2091, 2092, 2093, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2114, 2115, 2116, 2128, 2129, 2130, 2131 and 2134; and that part of Harris County tract 210800 included in blocks 1045, 1050, 1061, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1082, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2054,

2055, 2056, 2057, 2058 and 2060; and that part of Harris County tract 211400 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2041, 2042 and 2043; and that part of Harris County tract 211500 included in blocks 2006, 2027, 2028, 2029, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047; and that part of Harris County tract 211600 included in blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2056 and 2057; and that part of Harris County tract 212300 included in block group 3; and that part of Harris County tract 212400 included in block 2100; and that part of Harris County tract 220800 included in block 2037; and that part of Harris County tract 231100 included in blocks 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1102, 1103, 1104, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148 and 1149; and that part of Harris County tract 231200 included in block group 3 and blocks 1022, 1023, 1024, 1027, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1054, 1055, 1056, 1057 and 1063; and that part of Harris County tract 231300 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049 and 1050; and that part of Harris County tract 231800 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2000, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036; and that part of Harris County tract 231900 included in block groups 1, 3 and 4 and blocks 2009, 2010, 2022, 2023, 2024, 2025, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035; and that part of Harris County tract 232000 included in blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2091, 2092, 2093, 2095, 2096, 2097, 2100, 2101, 2104, 2105, 2106, 2107, 2111, 2112, 2113, 2114 and 2115; and that part of Harris County tract 310100 included in blocks 1028 and 2000; and that part of Harris County tract 310400 included in blocks 1000 and 1002; and that part of Harris County tract 312600 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057 and 3058; and that part of Harris County tract 313300

included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015 and 1016; and that part of Harris County tract 313400 included in block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2056; and that part of Harris County tract 314300 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035; and that part of Harris County tract 333600 included in blocks 3008, 3016 and 3017; and that part of Harris County tract 333700 included in blocks 2104, 2105, 2106 and 2107; and that part of Harris County tract 412200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1021, 1022, 1023, 1024, 1031, 2000 and 3006; and that part of Harris County tract 420200 included in blocks 1006, 1007, 1008, 1009, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024 and 1025; and that part of Harris County tract 420300 included in blocks 1044 and 3000; and that part of Harris County tract 421600 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010; and that part of Harris County tract 421700 included in blocks 1001, 1002 and 1003; and that part of Harris County tract 422100 included in block group 3 and blocks 2000, 2005, 2006, 2007, 2008, 2009, 2010, 4010, 4011 and 4012; and that part of Harris County tract 422402 included in block groups 2 and 3; and that part of Harris County tract 422500 included in block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016 and 3019; and that part of Harris County tract 422600 included in blocks 2002, 3008, 3009, 3010, 3011, 3012, 3013, 3020, 4000, 4001, 4002, 4003, 4004, 4006, 4007, 4008 and 4009; and that part of Harris County tract 432001 included in blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025; and that part of Harris County tract 432002 included in blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017; and that part of Harris County tract 432500 included in block group 2 and blocks 1004, 1005, 1006, 1007, 1008, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017 and 3018; and that part of Harris County tract 432600 included in blocks 2023, 2025, 2026, 2027, 2028, 2029, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2060; and that part of Harris County tract 432702 included in blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2021, 2026, 2027, 2029, 2030, 2031, 2032, 2033 and 2034; and that part of Harris County tract 452000 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3019, 3020 and 3026; and that part of Harris County tract 452801 included in block groups 1 and 3 and blocks 2000, 2001, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013; and that part of Harris County tract 453403 included in blocks 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2006, 2008,

2009, 2010, 2011 and 2012; and that part of Harris County tract 453501 included in blocks 3000, 3001, 3002, 3003, 3004 and 3005; and that part of Harris County tract 453700 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1010, 1011, 1012, 1014, 2000, 2001, 2002, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3042, 3043, 3044, 3045, 3046, 3047 and 3048; and that part of Harris County tract 510100 included in blocks 1068 and 1072.

The amendment to **CSSB 31** was read.

Senator Gallegos withdrew Floor Amendment No. 5.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 31 as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Ellis.

HOUSE BILL 150 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 150** at this time on its second reading:

HB 150, Relating to the composition of the districts for the election of members of the Texas House of Representatives.

The motion prevailed by the following vote: Yeas 21, Nays 8, Present-not voting 2.

Yeas: Birdwell, Carona, Duncan, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Williams.

Nays: Davis, Deuell, Ellis, Eltife, Gallegos, Rodriguez, Whitmire, Zaffirini.

Present-not voting: Hinojosa, Lucio.

The bill was read second time.

Senator Ogden moved to temporarily postpone further consideration of **HB 150**.

The motion prevailed without objection.

Question — Shall **HB 150** be passed to third reading?

RECESS

On motion of Senator Whitmire, the Senate at 12:59 p.m. recessed until 1:30 p.m. today.

AFTER RECESS

The Senate met at 1:49 p.m. and was called to order by the President.

SENATE RESOLUTION 847

Senator Birdwell offered the following resolution:

SR 847, In memory of Clifton L. Taylor of Johnson County.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 27, 2011.

In honor of the memory of Clifton L. Taylor, the text of **SR 847** is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate the family of Clifton L. Taylor: mother, Rebecca Taylor; father, Randy Taylor; fiancée, Rhonda Cox; brother, Christopher Taylor; and sister-in-law, Monika Taylor; accompanied by Sheriff Bob Alford.

The Senate welcomed its guests and extended its sympathy.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 1165, SB 1217, SB 1229, SB 1241, SB 1242, SB 1327, SB 1356, SB 1357, SB 1385, SB 1433, SB 1492, SB 1496, SB 1608, SB 1806, SB 1886, HB 11, HB 734, HB 965, HB 1064, HB 1300, HB 1889, HB 1901, HB 1952, HB 1953, HB 2131, HB 2503, HB 2831, HCR 161, HB 205, HB 328, HB 1254, HB 1450, HB 1789, HB 1936, HB 2002, HB 2067, HB 2403, HB 2468, HB 2936, HCR 127, HCR 135, HCR 154, HCR 155.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 17, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Sulphur River Basin Authority Board of Directors for terms to expire as indicated:

To Expire February 1, 2013:

Wallace E. "Wally" Kraft, II

Paris, Texas

(filling vacant position)

To Expire February 1, 2017:

Michael E. Russell

Clarksville, Texas

(Mr. Russell is being reappointed)

Patricia A. Wommack

Lone Star, Texas

(Ms. Wommack is being reappointed)

To be members of the Nueces River Authority Board of Directors for terms to expire as indicated:

To Expire February 1, 2013:

Judith "Judy" Creveling

Corpus Christi, Texas

(replacing Manuel Cano of Corpus Christi who resigned)

To Expire February 1, 2017:

Karen O. Bonner

Corpus Christi, Texas

(Ms. Bonner is being reappointed)

Laura Clader

Pleasanton, Texas

(replacing Yale Kerby of Uvalde whose term expired)

John Galloway

Beeville, Texas

(Mr. Galloway is being reappointed)

Gary A. Jones

Beeville, Texas

(Mr. Jones is being reappointed)

James "Jim" Marmion, III

Asherton, Texas

(Mr. Marmion is being reappointed)

Fidel R. Rul, Jr.

Alice, Texas

(Mr. Rul is being reappointed)

Roxana Proctor Tom

Campbellton, Texas

(Ms. Tom is being reappointed)

To be members of the Governing Board of the Texas School for the Blind and Visually Impaired for terms to expire January 31, 2017:

Anne L. Corn

Austin, Texas

(replacing Deborah Louder of San Angelo whose term expired)

Caroline Kupstas Daley

Kingwood, Texas

(Ms. Daley is being reappointed)

Cynthia Phillips Finley
Lubbock, Texas
(Ms. Finley is being reappointed)

To be members of the Upper Guadalupe River Authority for terms to expire February 1, 2017:

Harold J. Danford
Kerrville, Texas
(replacing Lana Edwards of Hunt whose term expired)

Lonnie Patricia Holloway
Kerrville, Texas
(replacing Mike McKenzie of Kerrville whose term expired)

To be members of the San Jacinto River Authority Board of Directors for terms to expire October 16, 2015:

Fredrick D. "Fred" Koetting
The Woodlands, Texas
(replacing Jack Stibbs, Jr. of Conroe whose term expired)

Mary L. "Marisa" Rummell
Spring, Texas
(Ms. Rummell is being reappointed)

To be members of the Texas Real Estate Commission for terms to expire January 31, 2017:

Troy C. Alley, Jr.
DeSoto, Texas
(Mr. Alley is being reappointed)

Bill L. Jones
Belton, Texas
(replacing John Eckstrum of Montgomery whose term expired)

Weston Martinez
San Antonio, Texas
(replacing Tom Mesa, Jr. of Deer Park whose term expired)

To be members of the Texas State Board of Examiners of Marriage and Family Therapists for terms to expire February 1, 2017:

Rick A. Bruhn
Huntsville, Texas
(replacing Edna Reyes-Wilson of El Paso whose term expired)

George F. Francis, IV
Georgetown, Texas
(replacing Timothy Brown of Rowlett whose term expired)

Sean B. Stokes
Denton, Texas
(replacing Kaye Nelson of Corpus Christi whose term expired)

To be a member of the Gulf States Marine Fisheries Commission for a term to expire March 17, 2014:

Troy B. Williamson, II
Portland, Texas

Mr. Williamson is replacing David McKinney of Cypress Mill whose term expired.

To be members of the Product Development and Small Business Incubator Board for terms to expire as indicated:

To Expire February 1, 2013:

David L. Miller
Lubbock, Texas

(replacing Neil Iscoe of Austin who resigned)

To Expire February 1, 2017:

Molly Jane Dahm
Beaumont, Texas

(replacing Guy Diedrich of Austin whose term expired)

Ricardo "Ricky" Leal
Harlingen, Texas

(replacing Jose Amador of McAllen whose term expired)

E. Edward Okpa, II
Dallas, Texas

(replacing Mae Jemison of Houston whose term expired)

To be a member of the Lavaca-Navidad River Authority for a term to expire May 1, 2017:

Terri Parker
Ganado, Texas

Ms. Parker is replacing Paul Littlefield of Edna whose term expired.

Respectfully submitted,

/s/Rick Perry
Governor

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate students from Lockhart Elementary School in Houston, accompanied by their teacher, Felicia Adams.

The Senate welcomed its guests.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 248, SB 331, SB 356, SB 403, SB 509, SB 533, SB 564, SB 604, SB 628, SB 816, SB 1121, SB 1140, SB 1150.

**COMMITTEE SUBSTITUTE
SENATE BILL 31 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 31** be placed on its third reading and final passage:

CSSB 31, Relating to the composition of the districts for the election of members of the Texas Senate.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Davis.

The bill was read third time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 31** on third reading in Article II of the bill by striking SECTIONS 7 and 18 and substituting the following:

SECTION 7. District 7 is composed of Harris County tracts 241000, 241101, 241102, 241103, 241200, 241300, 241400, 430500, 430600, 430700, 430800, 430900, 450100, 450200, 522402, 540501, 540502, 540601, 540602, 540700, 540800, 540901, 540902, 541001, 541002, 541003, 541100, 541201, 541202, 541203, 541300, 541400, 541500, 541602, 541700, 542101, 542102, 543200, 551600, 551701, 551702, 551703, 551900, 552001, 552002, 552101, 552102, 552103, 552200, 552301, 552302, 552400, 552500, 552601, 552602, 552700, 552800, 552900, 553001, 553002, 553100, 553200, 553300, 553401, 553402, 553403, 553500, 553600, 553700, 553801, 553802, 553900, 554001, 554002, 554101, 554102, 554200, 554301, 554302, 554401, 554402, 554403, 554501, 554502, 554600, 554700, 554801, 554802, 554901, 554902, 554903, 555000, 555401, 555402, 555501, 555502 and 555702; and that part of Harris County tract 240801 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3024 and 3025; and that part of Harris County tract 240802 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032 and 2033; and that part of Harris County tract 240901 included in block group 1 and blocks 2025, 2028, 2032, 2034, 2035, 2037, 2039, 2040, 2041 and 2042; and that part of Harris County tract 430300 included in block groups 2 and 3 and blocks 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019; and that part of Harris County tract 430400 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029 and 2030; and that part of Harris County tract 431000 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 3027, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007 and 4010; and that part of

Harris County tract 450300 included in block 2000; and that part of Harris County tract 450400 included in blocks 1000 and 1001; and that part of Harris County tract 450500 included in blocks 1000, 1001 and 1002; and that part of Harris County tract 450700 included in block group 2 and blocks 3000, 3029, 3030, 3031, 3032, 3033, 3034 and 3036; and that part of Harris County tract 454400 included in blocks 1000 and 1001; and that part of Harris County tract 521000 included in blocks 1049, 1050, 1051, 1052 and 1053; and that part of Harris County tract 521700 included in blocks 4000, 4001, 4002, 4003 and 4004; and that part of Harris County tract 521800 included in blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1084, 1085, 1086 and 1087; and that part of Harris County tract 522301 included in blocks 2016, 2023, 2024, 2025, 2026, 2027, 2031, 2032, 2033 and 2034; and that part of Harris County tract 522302 included in blocks 1017, 1021, 2034, 2037 and 2038; and that part of Harris County tract 522401 included in blocks 4025, 4026, 4027, 4028, 4029, 4035, 4036 and 4037; and that part of Harris County tract 534203 included in blocks 1049, 1055, 1056, 1057, 1058 and 1064; and that part of Harris County tract 540100 included in block group 1 and blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2052, 2053, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3095, 3096, 3097, 3098, 3111, 3122, 3125 and 3126; and that part of Harris County tract 540200 included in blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1057 and 1058; and that part of Harris County tract 541601 included in block group 2 and blocks 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Harris County tract 541900 included in blocks 1000, 1004, 1005, 1009, 1010, 1011, 1012, 1013, 1033 and 1034; and that part of Harris County tract 542000 included in block groups 1 and 4 and block 2000; and that part of Harris County tract 542200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070 and 2071; and that part of Harris County tract 542301 included in block group 3 and blocks 2000, 2001, 2002,

2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2031, 2032, 4004, 4005, 4006, 4007, 4008 and 4009; and that part of Harris County tract 542302 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1058; and that part of Harris County tract 542900 included in blocks 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3047, 3048 and 3052; and that part of Harris County tract 543001 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1010, 1012, 1013, 1014, 1018, 1019, 1023, 1046, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1103, 1117, 1125, 1126, 1132, 1133, 1134, 1137, 1138 and 1139; and that part of Harris County tract 543002 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1049; and that part of Harris County tract 543003 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1067, 1068, 1069, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079 and 1081; and that part of Harris County tract 551500 included in blocks 2047, 2048, 2049, 2050, 2051, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2108, 2109, 2110, 2111, 2112, 2113, 2120, 2121, 2122, 2123, 2126, 2127, 2130, 2135 and 2137; and that part of Harris County tract 551800 included in block group 1 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3030, 3031, 3032, 3039, 3040, 3043, 3044 and 3045; and that part of Harris County tract 555100 included in block groups 2 and 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037; and that part of Harris County tract 555200 included in blocks 1015, 1028, 1029, 1030 and 1032; and that part of Harris County tract 555301 included in blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013; and that part of Harris County tract 555302 included in block group 1 and blocks 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2136, 2137, 2138, 2139 and 2140; and that part of Harris County tract 555303 included in blocks 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043,

1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1064 and 1065; and that part of Harris County tract 555600 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2019, 2020, 2021, 2022 and 2023; and that part of Harris County tract 555701 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031.

SECTION 18. District 18 is composed of Aransas, Austin, Burleson, Calhoun, Colorado, De Witt, Fayette, Goliad, Gonzales, Jackson, Lavaca, Lee, Matagorda, Refugio, Victoria, Waller, Washington and Wharton Counties; and Fort Bend County tracts 672602, 672702, 672900, 673001, 673002, 673003, 673101, 673102, 673200, 673300, 673400, 673500, 673600, 673700, 673800, 673901, 674604, 674700, 674800, 674900, 675000, 675100, 675200, 675300 and 675800; and that part of Fort Bend County tract 672500 included in block group 1; and that part of Fort Bend County tract 672601 included in block groups 1 and 3 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5019 and 5023; and that part of Fort Bend County tract 672701 included in block groups 1 and 3 and blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2044; and that part of Fort Bend County tract 672800 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1076, 1077 and 1078; and that part of Fort Bend County tract 673902 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084 and 1085; and that part of Fort Bend County tract 674400 included in blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1039, 1040 and 1070; and that part of Fort Bend County tract 674602 included in blocks 1000, 1012, 1028, 1029, 1030, 1031, 1032 and 1033; and that part of Fort Bend County tract 674603 included in block groups 2 and 3; and that part of Fort Bend County tract 675400 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2040, 2042, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2087, 2088, 2113, 2120, 2121, 2122, 2138,

2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183 and 2190; and that part of Fort Bend County tract 675500 included in blocks 1047, 1048, 1049, 1050, 1051, 1108, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2032 and 2042; and that part of Fort Bend County tract 675600 included in blocks 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1127, 1129, 1131, 1132, 1133, 1134, 1135, 1136, 1143, 1145 and 1146; and that part of Fort Bend County tract 675700 included in block groups 1 and 3 and blocks 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2147, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2175, 2176, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186 and 2188; and Harris County tracts 542700, 542800, 543100 and 556000; and that part of Harris County tract 542200 included in blocks 1017, 1018, 1019, 1059 and 2022; and that part of Harris County tract 542900 included in blocks 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2032, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3031, 3032, 3045, 3046, 3060 and 3061; and that part of Harris County tract 543001 included in block group 2 and blocks 1006, 1007, 1008, 1009, 1011, 1015, 1016, 1017, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1054, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1100, 1101, 1102, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1127, 1128, 1129, 1130, 1131, 1135 and 1136; and that part of Harris County tract 543002 included in blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1047 and 1048; and that part of Harris County tract 543003 included in blocks 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1073 and 1080; and that part of Harris County tract 555600 included in blocks 2015, 2016, 2017 and 2018; and that part of Harris County tract 555701 included in blocks 1007 and 1008; and Nueces County tracts 005102 and 990000; and that part of Nueces County tract 006200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021,

1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1150, 1154, 1167, 1173, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241 and 1242; and that part of Nueces County tract 006400 included in blocks 2039, 2040 and 2041.

The amendment to **CSSB 31** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Seliger and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSSB 31 as again amended was finally passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Ellis.

REASON FOR VOTE

Senator Davis submitted the following reason for vote on **CSSB 31**:

I must vote against the CSSB 31 plan because it is retrogressive and does not respect minority communities of interest, both statewide and in Tarrant County. The plan cracks and divides the minority community in Ft. Worth into four separate Senate districts, leaving our communities without an effective voice in the Texas Senate. Over 1.6 million African Americans and Hispanics live in Tarrant and Dallas Counties, enough for two effective minority opportunity districts. However, CSSB 31 creates only one effective minority opportunity district and for that reason, I believe the plan violates both Section 2 and Section 5 of the Voting Rights Act.

DAVIS

REASON FOR VOTE

Senator Ellis submitted the following reason for vote on **CSSB 31**:

I am very concerned about CSSB 31, the Senate redistricting plan. I have serious questions about proportionality and fairness in this redistricting process, and believe it violates the Voting Rights Act.

According to the 2010 census, Hispanic's now represent 37.6 percent of the state's population, and African Americans represent 11.84 percent. There are thirty-one senators in this body and if the ethnic makeup of body reflected that of the state, we would have 11 or 12 Hispanic Senators and 3 or even 4 African American Senators.

CSSB 31 falls far short of this bare minimum mark.

Under this map, there is a clear and deliberate pattern of fragmenting or packing Black and Hispanic voters that has the purpose or effect of diminishing their voting strength in elections. The Senate plan under which we were elected – current law – contains 15 majority-minority districts, and 12 of them have effectively provided African Americans and Hispanics an opportunity to elect their candidate of choice.

This plan would reduce that number to eleven majority-minority districts, only ten of which would elect the minority candidate of choice - by eliminating two districts (10 and 14) in which a majority of residents are currently non-Anglo and have effectively developed effective minority coalitions.

Case law makes it clear that this Senate cannot look at retrogression solely on a district by district basis, but also must consider the statewide benchmark and proportionality.

Between 2000 and 2010, roughly 90 percent of the state's population growth in the past decade was non-Anglo. Today, only 45.3 percent of the Texas population is Anglo. 49 percent is African American and Latino, and almost 55 percent is not Anglo. But in the proposed CSSB 31 plan, two thirds of the Districts would be effectively controlled by Anglos, which clearly constitutes statewide retrogression.

I do not believe one can legitimately take a census which shows that Texas population is fueled by minority growth, and legally respond to that census with a Senate redistricting plan which reduces the number of districts in which minorities control the outcome.

Ten years ago, it was argued that Republicans were entitled to a super majority of seats because your party's top of the ballot candidates received such high percentages of the vote statewide. While I do not agree that people have to vote to protect their constitutional right of proportional representation, let's examine that argument today.

In 2008 Barack Obama carried 43.68 percent of the statewide vote in Texas. By the standard argued a decade ago, that would suggest Democrats are entitled to 13 or 14 of the Senators in this chamber. In 2010, Bill White received 42.29 percent of the state wide vote, which would mean Democrats are entitled to at least 13 of the 31 seats in this chamber.

In 2001, when the state submitted the Legislative Redistricting Board plan to the US Department of Justice for preclearance, it proudly proclaimed that the plan ". . .generally avoids unnecessarily fragmenting significant Black and Hispanic insular Communities even when such communities are not large enough to constitute

a voting majority of a senate district. As a result, at least Districts 14, 15, 9 and 10 contain significant minority communities that essentially are kept intact within these districts."

Under CSSB 31, the insular Black and Hispanic communities in District 10 are completely divided, a complete reversal of the principle lauded only ten years ago. That district had a combined minority population when it was drawn in 2001 of 39.4 percent Black and Hispanic. The demographic changes over the decade made that Black and Hispanic number increase to 47.5 percent, with 4.9 percent Other. The Anglo population dropped below 50 percent. Minority voters in that district did form a coalition with each other and other racial or ethnic groups and elected the Senate candidate of their choice in 2008. Why was it necessary to divide those communities and how could it possibly be legal?

Another problem is District 14 in Travis County. That district was represented for so long in the Senate by Senator Gonzalo Barrientos. The district did not contain a majority Hispanic voting age population, but Hispanic voters in Travis County effectively engage in coalitions with other racial and ethnic groups to elect the candidate of their choice. For years that choice was Senator Barrientos, now it is Senator Watson, but redistricting is about the future opportunity of voters, not incumbents. When Senator Watson moves on, Hispanic voters in District 14 will not have the opportunity to elect the candidate of their choice under this plan. The sad truth is that CSSB 31 removes significant numbers of Hispanic voters out of District 14, effectively denying Hispanic voters the opportunity to elect the candidate of their choice in District 14.

Under the map drawn in 2001 for District 17, the combined Black and Hispanic population was 37.5 percent plus 11.9 percent Other; over the decade, the Black and Hispanic population grew to 47.7 percent, and 14.5 percent other. The Anglo population had dropped from 50 percent to less than 38 percent. Under CSSB 31, the Anglo population of District 17 increases from 41.2 percent to 52.5 percent, a whopping 11 percent increase. This increase is taken almost entirely from Hispanic and African American voting strength.

Under CSSB 31, the Anglo population of District 15 increases from 27.1 percent to 32.8 percent, taken from Hispanic and African American voting strength. Meanwhile, in my district, SD 13, minorities are packed, with African American and Hispanic populations increasing significantly and Anglo population dropping by nearly 8 percent. I represent the seat that Barbara Jordan held, and Montrose has been in this district since then. Under CSSB 31, Montrose and other key areas of this district are removed and displaced. It makes no sense that my district needed to add population, and then the redistricting committee removed thousands of voters I have proudly represented for years and finds voters elsewhere to make up the difference.

Overall, I believe this map is retrogressive. It appears there was an actual effort to reduce the number of minority-opportunity districts. SD 13 is carved up beyond recognition and the Houston area is very ill-served. I hope this map is thoughtfully and carefully scrutinized by the U.S. Department of Justice and that changes are made to protect the interests of all Texas voters, particularly those traditionally underserved and under-represented.

ELLIS

**STATEMENT REGARDING
COMMITTEE SUBSTITUTE SENATE BILL 31**

The following statement was submitted concerning **CSSB 31**:

Each of us represent majority minority districts where minority citizens have demonstrated the ability to elect their candidate of choice. We recognize and accept our special responsibility to protect the voting rights of the minority citizens we represent as well as minority citizens in every part of Texas. In light of this, we want to make clear that any vote by any of us to suspend rules or a vote in support of CSSB 31, either on passage to engrossment or on final passage, should not be interpreted as endorsement of the process used to develop the plan or the configuration of the plan in all parts of our state.

Some Senators enjoyed ongoing participation as the plan was developed. They were allowed to view and respond to draft proposals throughout the process. Other Senators - many of whom represent minority opportunity districts - were not allowed to see even their own districts in isolation, much less the broader context of the map - until less than 48 hours before it was laid out in committee. The concerns of these Senators and the voters they represent were neither solicited nor given fair consideration.

More specifically, we believe that the map violates the Voting Rights Act in its configuration of Senate District 10 in north Texas. The current District 10 has evolved over the last decade, as the State predicted when it sought Voting Rights Act approval for the district back in 2001, into a majority minority district where minority citizens have demonstrated the ability to elect their candidate of choice. Under the new plan, the voting strength of minority citizens in District 10 is rolled back dramatically, and Anglos are returned as a strong controlling majority in the district. Not only would minority voters in SD10 no longer have an effective opportunity to elect a candidate in the district, they would have no voice at all. There are reasonable alternatives that recognize the voting strength of racial/ethnic minorities without retrogressing their ability to effectively participate in the political process.

The concomitant effect of retrogression in District 10 is that there is also retrogression of minority voting strength statewide. Under the current statewide senate map, 15 districts have majority minority populations, and in 12 of these districts, including District 10, minority citizens have demonstrated the ability to elect their candidate of choice. Under the proposed senate plan, only 12 districts would have majority minority populations and only 10 would provide minority citizens the opportunity to elect their candidate of choice.

We all know that most of the business of the Senate is conducted under a two-thirds rule, where at least 21 of the 31 Members must agree to allow debate on a bill before it can be considered. By reconfiguring District 10 as an Anglo controlled district, the ability of Senators who represent minority opportunity districts to form a coalition to block retrogressive provisions harmful to our constituents would be reduced. At the same time, the clout of Senators representing Anglo controlled districts would be enhanced.

We support the decision to retain Senate District 14 as an effective coalition district where minorities can combine with like-minded Anglos to elect their candidate of choice. We are disappointed, though, that the overall minority percentage in the

district was reduced and that some minority neighborhoods were unnecessarily separated into an adjoining district that runs a great distance through Texas, creating a district that is not compact and where the constituents have disparate interests.

Unfortunately, Texas has a long history of denying minority citizens their rights under the Voting Rights Act. We are saddened that any support for this plan must be qualified by our concern that this history could be extended by the process used to construct the plan and by the racially discriminatory purpose and impact of the plan on minorities in parts of our state.

DAVIS	ELLIS
GALLEGOS	HINOJOSA
LUCIO	RODRIGUEZ
URESTI	VAN DE PUTTE
WATSON	WEST
WHITMIRE	ZAFFIRINI

HOUSE BILL 150 ON SECOND READING

The President laid before the Senate **HB 150** sponsored by Senator Seliger on its second reading. The bill had been read second time and further consideration temporarily postponed:

HB 150, Relating to the composition of the districts for the election of members of the Texas House of Representatives.

Question — Shall **HB 150** be passed to third reading?

HB 150 was passed to third reading by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Carona, Duncan, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, Williams.

Nays: Davis, Deuell, Ellis, Eltife, Gallegos, Rodriguez, West, Whitmire, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 1425 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1425** at this time on its second reading:

CSSB 1425, Relating to an account for construction retainage; providing a civil penalty.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Patrick, Shapiro, Uresti.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1807 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1807** at this time on its second reading:

CSSB 1807, Relating to the composition of the 444th Judicial District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1807 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1807** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1913 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1913** at this time on its second reading:

CSSB 1913, Relating to the creation of the Southeast Travis County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1913 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1913** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1914 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1914** at this time on its second reading:

CSSB 1914, Relating to the creation of the Southeast Travis County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1914 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1914** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1915 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1915** at this time on its second reading:

CSSB 1915, Relating to the creation of the Southeast Travis County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1915 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1915** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 17, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 118 Uresti Sponsor: Menendez
Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

SB 156 Huffman Sponsor: Gonzales,
Veronica
Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.
(Amended)

SB 322 Carona Sponsor: Deshotel
Relating to the requirements for reinsurance contracts covering title insurance policies issued in this state.
(Amended)

SB 328 Carona Sponsor: Deshotel
Relating to notice of a hospital lien.

SB 420 Deuell Sponsor: Taylor, Van
Relating to determining eligibility for indigent health care.

SB 1338 Eltife Sponsor: Geren
Relating to the membership, powers, and duties of the State Preservation Board.
(Amended)

SCR 25 Hinojosa
Expressing continued support for the construction of a monument on Capitol grounds recognizing Texans who served in the Vietnam War.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 923 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 923** at this time on its second reading:

CSSB 923, Relating to creating a branch winery permit.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 923 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 923** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1021 ON SECOND READING**

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **CSSB 1021** at this time on its second reading:

CSSB 1021, Relating to certain examination requirements for physicians.

The motion prevailed.

Senator Harris asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1021** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill, amending Section 155.056, Occupations Code (page 1, lines 31 and 32), strike "Subsection (d), Section 155.056, Occupations Code, is" and substitute "Subsections (a) and (d), Section 155.056, Occupations Code, are".

(2) In SECTION 2 of the bill, before amended Section 155.056(d), Occupations Code (page 1, between lines 32 and 33), insert the following:

(a) An applicant must pass:

- (1) each individual part of an examination within five [~~three~~] attempts; and
- (2) all parts of an examination collectively within nine attempts.

The amendment to **CSSB 1021** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Rodriguez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1021 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1021 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1021** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Harris.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**SENATE RULE 7.21 SUSPENDED
(House Amendments to Senate Bills)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 7.21, as it relates to the printing and distribution of the House amendment to **SB 1353**, was suspended.

SENATE BILL 1353 WITH HOUSE AMENDMENT

Senator Eltife called **SB 1353** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1353** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 17.49, Business & Commerce Code, is amended by adding Subsection (i) to read as follows:

(i) Nothing in this subchapter shall apply to a claim against a person licensed as a broker or salesperson under Chapter 1101, Occupations Code, arising from an act or omission by the person while acting as a broker or salesperson. This exemption does not apply to:

(1) an express misrepresentation of a material fact that cannot be characterized as advice, judgment, or opinion;

(2) a failure to disclose information in violation of Section 17.46(b)(24); or

(3) an unconscionable action or course of action that cannot be characterized as advice, judgment, or opinion.

SECTION 2. Subsection (i), Section 17.49, Business & Commerce Code, as added by this Act, applies only to a claim arising from an act or omission that occurs on or after the effective date of this Act. A claim arising from an act or omission that occurred before the effective date of this Act is governed by the law in effect on the date the act or omission occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

The amendment was read.

Senator Eltife moved to concur in the House amendment to **SB 1353**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 132 WITH HOUSE AMENDMENTS

Senator Wentworth called **SB 132** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 2 on Third Reading

Amend **SB 132** (second reading engrossment) as follows:

(1) On page 2, line 1, between "(c)" and "The", insert "An application under this section must give written notice to an applicant that information regarding alternative service options for applicants who object to conventional military service for religious or other conscientious reasons is available from the department upon request. The department shall make information regarding alternative service options available to an applicant upon request."

(d)".

(2) On page 2, line 17, strike "(d)" and substitute "(e)".

(3) On page 2, line 17, strike "notification" and substitute "notifications".

(4) On page 2, line 18, strike "Subsection (b) [(a)]" and substitute "Subsections (b) and (c) [Subsection (a)]".

(5) On page 2, line 22, strike "notification" and substitute "notifications".

(6) On page 2, line 23, strike "(e)" and substitute "(f)".

(7) On page 2, line 23, strike "(c)" and substitute "(d)".

Floor Amendment No. 3 on Third Reading

Amend **SB 132** (second reading engrossment) as follows:

(1) On page 2, line 1, between "(c)" and "The", insert "An application under this section must give written notice to an applicant that information regarding alternative service options for applicants who object to conventional military service for religious or other conscientious reasons is available from the department upon request."

(d)".

(2) On page 2, line 17, strike "(d)" and substitute "(e)".

(3) On page 2, line 17, strike "notification" and substitute "notifications".

(4) On page 2, line 18, strike "Subsection (b) [(a)]" and substitute "Subsections (b) and (c) [Subsection (a)]".

(5) On page 2, line 22, strike "notification" and substitute "notifications".

(6) On page 2, line 23, strike "(e)" and substitute "(f)".

(7) On page 2, line 23, strike "(c)" and substitute "(d)".

The amendments were read.

Senator Wentworth moved to concur in the House amendments to **SB 132**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 977 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 977** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 977** (senate engrossment) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 2303.5055, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other law, the comptroller shall deposit eligible taxable proceeds that were collected by or forwarded to the comptroller, and to which the qualified hotel project is entitled according to an agreement under this section, in trust in a separate suspense account of the project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least quarterly.

SECTION _____. Section 151.429(h), Tax Code, is amended to read as follows:

(h) Notwithstanding the other provisions of this section, the owner of a qualified hotel project shall receive a rebate, refund, or payment of 100 percent of the sales and use taxes paid or collected by the qualified hotel project or businesses located in the qualified hotel project pursuant to this chapter and 100 percent of the hotel occupancy taxes paid by persons for the use or possession of or for the right to the use or possession of a room or space at the qualified hotel project pursuant to the provisions of Chapter 156 during the first 10 years after such qualified hotel project is open for initial occupancy. The comptroller shall deposit the taxes in trust in a separate suspense account of the qualified hotel project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least monthly.

SECTION _____.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 977**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1125 WITH HOUSE AMENDMENTS

Senator Carona called **SB 1125** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1125** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.905, Utilities Code, is amended by amending Subsections (a) and (b) and adding Subsections (h), (i), (j), and (k) to read as follows:

(a) It is the goal of the legislature that:

(1) electric utilities will administer energy efficiency incentive programs in a market-neutral, nondiscriminatory manner but will not offer underlying competitive services;

(2) all customers, in all customer classes, will have a choice of and access to energy efficiency alternatives and other choices from the market that allow each customer to reduce energy consumption, summer and winter peak demand, or energy costs;

(3) each electric utility annually will provide, through market-based standard offer programs or through ~~limited,~~ targeted~~;~~ market-transformation programs, incentives sufficient for retail electric providers and competitive energy service providers to acquire additional cost-effective energy efficiency, subject to cost ceilings established by the commission, for the utility's residential and commercial customers equivalent to ~~[at least]~~:

(A) not less than:

(i) 30 ~~[40]~~ percent of the electric utility's annual growth in demand of residential and commercial customers by December 31 of each year beginning with the 2013 calendar year; and

(ii) the amount of energy efficiency to be acquired for the utility's residential and commercial customers for the most recent preceding year ~~[, 2007]; and~~

(B) for an electric utility whose amount of energy efficiency to be acquired under this subsection is equivalent to at least four-tenths of one percent of the electric utility's summer weather-adjusted peak demand for residential and commercial customers in the previous calendar year, not less than:

(i) four-tenths of one percent of the utility's summer weather-adjusted peak demand for residential and commercial customers by December 31 of each subsequent year; and

(ii) the amount of energy efficiency to be acquired for the utility's residential and commercial customers for the most recent preceding year ~~[15 percent of the electric utility's annual growth in demand of residential and commercial customers by December 31, 2008, provided that the electric utility's program expenditures for 2008 funding may not be greater than 75 percent above the utility's program budget for 2007 for residential and commercial customers, as included in the April 1, 2006, filing; and~~

~~[(C) 20 percent of the electric utility's annual growth in demand of residential and commercial customers by December 31, 2009, provided that the electric utility's program expenditures for 2009 funding may not be greater than 150 percent above the utility's program budget for 2007 for residential and commercial customers, as included in the April 1, 2006, filing];~~

(4) each electric utility in the ERCOT region shall use its best efforts to encourage and facilitate the involvement of the region's retail electric providers in the delivery of efficiency programs and demand response programs under this section, including programs for demand-side renewable energy systems that:

(A) use distributed renewable generation, as defined by Section 39.916;
or

(B) reduce the need for energy consumption by using a renewable energy technology, a geothermal heat pump, a solar water heater, or another natural mechanism of the environment;

(5) retail electric providers in the ERCOT region, and electric utilities outside of the ERCOT region, shall provide customers with energy efficiency educational materials; and

(6) notwithstanding Subsection (a)(3), electric utilities shall continue to make available, at 2007 funding and participation levels, any load management standard offer programs developed for industrial customers and implemented prior to May 1, 2007.

(b) The commission shall provide oversight and adopt rules and procedures to ensure that the utilities can achieve the goal of this section, including:

(1) establishing an energy efficiency cost recovery factor for ensuring timely and reasonable cost recovery for utility expenditures made to satisfy the goal of this section;

(2) establishing an incentive under Section 36.204 to reward utilities administering programs under this section that exceed the minimum goals established by this section;

(3) providing a utility that is unable to establish an energy efficiency cost recovery factor in a timely manner due to a rate freeze with a mechanism to enable the utility to:

(A) defer the costs of complying with this section; and

(B) recover the deferred costs through an energy efficiency cost recovery factor on the expiration of the rate freeze period;

(4) ensuring that the costs associated with programs provided under this section and any shareholder bonus awarded are borne by the customer classes that receive the services under the programs; ~~and~~

(5) ensuring the program rules encourage the value of the incentives to be passed on to the end-use customer;

(6) ensuring that programs are evaluated, measured, and verified using a framework established by the commission that promotes effective program design and consistent and streamlined reporting; and

(7) ensuring that an independent organization certified under Section 39.151 allows load participation in all energy markets for residential, commercial, and industrial customer classes, either directly or through aggregators of retail customers,

to the extent that load participation by each of those customer classes complies with reasonable requirements adopted by the organization relating to the reliability and adequacy of the regional electric network and in a manner that will increase market efficiency, competition, and customer benefits.

(h) For an electric utility operating in an area not open to competition, the utility may achieve the goal of this section by:

(1) providing rebate or incentive funds directly to customers to promote or facilitate the success of programs implemented under this section; or

(2) developing, subject to commission approval, new programs other than standard offer programs and market transformation programs, to the extent that the new programs satisfy the same cost-effectiveness requirements as standard offer programs and market transformation programs.

(i) For an electric utility operating in an area open to competition, on demonstration to the commission, after a contested case hearing, that the requirements under Subsection (a) cannot be met in a rural area through retail electric providers or competitive energy service providers, the utility may achieve the goal of this section by providing rebate or incentive funds directly to customers in the rural area to promote or facilitate the success of programs implemented under this section.

(j) An electric utility may use energy audit programs to achieve the goal of this section if:

(1) the programs do not constitute more than three percent of total program costs under this section; and

(2) the addition of the programs does not cause a utility's portfolio of programs to no longer be cost-effective.

(k) To help a residential or nongovernmental nonprofit customer make informed decisions regarding energy efficiency, the commission may consider program designs that ensure, to the extent practicable, the customer is provided with information using standardized forms and terms that allow the customer to compare offers for varying degrees of energy efficiency attainable using a measure the customer is considering by cost, estimated energy savings, and payback periods.

SECTION 2. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9054 to read as follows:

Sec. 39.9054. ENERGY EFFICIENCY PLANS AND REPORTS; PUBLIC INFORMATION. (a) An electric utility shall submit electronically an energy efficiency plan and report in a searchable form prescribed by the commission on or before April 1 of each year. The commission by rule shall adopt a form that will permit the public to easily compare information submitted by different electric utilities. The plan and report must:

(1) provide information on the utility's performance in achieving energy efficiency goals for the previous five years;

(2) describe how the utility intends to achieve future goals; and

(3) provide any other information the commission considers relevant.

(b) On the Internet website found at <http://www.puc.state.tx.us>, the commission shall publish information on energy efficiency programs, including:

(1) an explanation of the goal for energy efficiency in this state;

(2) a description of the types of energy efficiency programs available to certain classes of eligible customers;

(3) a link to the plans and reports filed as prescribed by Subsection (a); and

(4) a list of persons who install or provide energy efficiency measures or services by area.

(c) This section does not require the commission to warrant that the list required to be displayed under Subsection (b) constitutes a complete or accurate list of all persons who install energy efficiency measures or services in the marketplace.

SECTION 3. Section 39.905(b-2), Utilities Code, is repealed.

SECTION 4. This Act takes effect September 1, 2011.

Floor Amendment No. 1

Amend **CSSB 1125** as follows:

(1) On page 1, line 7, strike "(a) and (b)" and substitute "(a), (b) and (d)"

(2) On page 5, between lines 7 and 8, insert the following:

(d) The commission shall establish a procedure for reviewing and evaluating market-transformation program options described by this subsection and other options. In evaluating program options, the commission may consider the ability of a program option to reduce costs to customers through reduced demand, energy savings, and relief of congestion. Utilities may choose to implement any program option approved by the commission after its evaluation in order to satisfy the goal in Subsection (a), including:

(1) energy-smart schools;

(2) appliance retirement and recycling;

(3) air conditioning system tune-ups;

(4) the installation of variable speed air conditioning system, motors and

drives;

(5) the use of trees or other landscaping for energy efficiency.;

(6) [~~5~~] customer energy management and demand response programs;

(7) [~~6~~] high performance residential and commercial buildings that will achieve the levels of energy efficiency sufficient to qualify those buildings for federal tax incentives;

(8) commissioning services for commercial and institutional buildings that result in operational and maintenance practices that reduce the buildings' energy consumption;

(9) [~~7~~] programs for customers who rent or lease their residence or commercial space;

(10) [~~8~~] programs providing energy monitoring equipment to customers that enable a customer to better understand the amount, price, and time of the customer's energy use;

(11) [~~9~~] energy audit programs for owners and other residents of single-family or multifamily residences and for small commercial customers;

(12) [~~10~~] net-zero energy new home programs;

(13) [~~11~~] solar thermal or solar electric programs; ~~and~~

(14) [(+2)] programs for using windows and other glazing systems, glass doors, and skylights in residential and commercial buildings that reduce solar gain by at least 30 percent from the level established for the federal Energy Star windows program;

(15) data center efficiency programs; and

(16) energy use programs with measurable and verifiable results that reduce energy consumption through behavioral changes that lead to efficient use patterns and practices.

The amendments were read.

Senator Carona moved to concur in the House amendments to **SB 1125**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1693 WITH HOUSE AMENDMENTS

Senator Carona called **SB 1693** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1693**, SECTION 1, page 3, line 17, by adding new subsection (e) and re-label the subsequent subsections properly: new subsection (e) to read as follows:

(e) a periodic rate adjustment approved under this section may not include indirect corporate costs, or capitalized operations and maintenance expenses.

Floor Amendment No. 3

Amend **SB 1693** as follows:

On page 5, line 4, strike Subsection (g) and insert the following:

(g) The PUC shall undertake a study and conduct a report analyzing any periodic rate adjustment established under this section of PURA. The study shall be available for the legislature's review by January 31st, 2017 so that the legislature may properly be informed as to the need to continue the commission's authority to allow periodic rate adjustments. The report shall contain but shall not be limited to:

(1) an analysis of all periodic rate adjustment approved by the commission;

(2) an analysis of the amounts in real dollars and percentages of the approved amounts by the commission and the effects on all classes of ratepayers;

(3) the costs savings, if any, realized by all parties by utilizing periodic rate adjustment as opposed to rate making proceedings;

(4) an analysis on distribution costs included in periodic rate adjustment, and there appropriateness for inclusion in periodic rate adjustments;

(5) an analysis submitted by The Office of Public Counsel on the effects of periodic rate adjustments.

(h) This section expires January 1, 2017.

The amendments were read.

Senator Carona moved to concur in the House amendments to **SB 1693**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

SENATE BILL 1087 WITH HOUSE AMENDMENT

Senator Carona called **SB 1087** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1087** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to state-issued certificates of franchise authority to provide cable service and video service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 66.003(a), Utilities Code, is amended to read as follows:

(a) An entity or person seeking to provide cable service or video service in this state ~~[after September 1, 2005,]~~ shall file an application for a state-issued certificate of franchise authority with the commission as required by this section. An entity providing cable service or video service under a franchise agreement with a municipality is not subject to this subsection with respect to such municipality until the franchise agreement is terminated under Section 66.004 or until the franchise agreement expires ~~[, except as provided by Section 66.004].~~

SECTION 2. Section 66.004, Utilities Code, is amended by amending Subsections (a), (c), and (f) and adding Subsection (b-1) to read as follows:

(a) A cable service provider or a video service provider that currently has or had previously received a franchise to provide cable service or video service with respect to a municipality may ~~[such municipalities is not eligible to]~~ seek a state-issued certificate of franchise authority to provide service to the municipality under this section ~~[chapter as to those municipalities until the expiration date of the existing franchise agreement, except as provided by Subsections (b) and (c)].~~

(b-1) Beginning September 1, 2011, a cable service provider or video service provider that was not allowed to or did not terminate a municipal franchise under Subsection (b) may elect to terminate all unexpired municipal franchises and seek a state-issued certificate of franchise authority for each area served under a terminated municipal franchise by providing written notice to the commission and each affected municipality before January 1, 2012. A municipal franchise is terminated on the date the commission issues a state-issued certificate of franchise authority to the provider for the area served under that terminated franchise.

(c) A cable service provider ~~[that serves fewer than 40 percent of the total cable customers in a municipal franchise area and]~~ that elects under Subsection (b) or (b-1) to terminate an existing municipal franchise is responsible for remitting to the affected municipality before the 91st day after the date the municipal franchise is terminated any accrued but unpaid franchise fees due under the terminated franchise. If the cable

service provider has credit remaining from prepaid franchise fees, the provider may deduct the amount of the remaining credit from any future fees or taxes it must pay to the municipality, either directly or through the comptroller.

(f) Except as provided in this chapter, nothing in this chapter is intended to abrogate, nullify, or adversely affect in any way the contractual rights, duties, and obligations existing and incurred by a cable service provider or a video service provider before the date a franchise expires or the date a provider terminates a franchise under Subsection (b-1), as applicable, ~~[enactment of this chapter,]~~ and owed or owing to any private person, firm, partnership, corporation, or other entity including without limitation those obligations measured by and related to the gross revenue hereafter received by the holder of a state-issued certificate of franchise authority for services provided in the geographic area to which such prior franchise or permit applies. All liens, security interests, royalties, and other contracts, rights, and interests in effect on September 1, 2005, or the date a franchise is terminated under Subsection (b-1) shall continue in full force and effect, without the necessity for renewal, extension, or continuance, and shall be paid and performed by the holder of a state-issued certificate of franchise authority, and shall apply as though the revenue generated by the holder of a state-issued certificate of franchise authority continued to be generated pursuant to the permit or franchise issued by the prior local franchising authority or municipality within the geographic area to which the prior permit or franchise applies. It shall be a condition to the issuance and continuance of a state-issued certificate of franchise authority that the private contractual rights and obligations herein described continue to be honored, paid, or performed to the same extent as though the cable service provider continued to operate under its prior franchise or permit, for the duration of such state-issued certificate of franchise authority and any renewals or extensions thereof, and that the applicant so agrees. Any person, firm, partnership, corporation, or other entity holding or claiming rights herein reserved may enforce same by an action brought in a court of competent jurisdiction.

SECTION 3. Section 66.005(b), Utilities Code, is amended to read as follows:

(b) The franchise fee payable under this section is to be paid quarterly, within 45 days after the end of the quarter for the preceding calendar quarter. Each payment shall be accompanied by a summary explaining the basis for the calculation of the fee. A municipality may review the business records of the cable service provider or video service provider to the extent necessary to ensure compensation in accordance with Subsection (a), provided that the municipality may only review records that relate to the 48-month period preceding the date of the last franchise fee payment. Each party shall bear the party's own costs of the examination. A municipality may, in the event of a dispute concerning compensation under this section, bring an action in a court of competent jurisdiction.

SECTION 4. Section 66.006, Utilities Code, is amended to read as follows:

Sec. 66.006. IN-KIND CONTRIBUTIONS TO MUNICIPALITY. (a) Until the expiration or termination of the incumbent cable service provider's agreement, the holder of a state-issued certificate of franchise authority shall pay a municipality in which it is offering cable service or video service the same cash payments on a per subscriber basis as required by the incumbent cable service provider's franchise

agreement. All cable service providers and all video service providers shall report quarterly to the municipality the total number of subscribers served within the municipality. The amount paid by the holder of a state-issued certificate of franchise authority shall be calculated quarterly by the municipality by multiplying the amount of cash payment under the incumbent cable service provider's franchise agreement by a number derived by dividing the number of subscribers served by a video service provider or cable service provider by the total number of video or cable service subscribers in the municipality. Such pro rata payments are to be paid quarterly to the municipality within 45 days after the end of the quarter for the preceding calendar quarter.

(b) On the expiration or termination of the incumbent cable service provider's agreement, the holder of a state-issued certificate of franchise authority shall pay a municipality in which it is offering cable service or video service one percent of the provider's gross revenues, as defined by this chapter, or at the municipality's election, the per subscriber fee that was paid to the municipality under the expired or terminated incumbent cable service provider's agreement, in lieu of in-kind compensation and grants. Payments under this subsection shall be paid in the same manner as outlined in Section 66.005(b).

(c) All fees paid to municipalities under this section are paid in accordance with 47 U.S.C. Sections 531 and 541(a)(4)(B) and may be used by the municipality as allowed by federal law.

(c-1) The holder of a state-issued certificate of franchise authority shall include with a fee paid to a municipality under this section a statement identifying the fee.

(c-2) If a municipality uses fees paid to the municipality under this section for a purpose described by 47 U.S.C. Section 542(g)(2)(C), the fees [; further, these payments] are not chargeable as a credit against the franchise fee payments authorized under this chapter. If the municipality uses the fees for another purpose, the fees are chargeable as a credit against the franchise fee payments authorized under this chapter.

(c-3) A municipality that receives fees under this section:

(1) shall maintain revenue from the fees in a separate account established for that purpose;

(2) may not commingle revenue from the fees with any other money;

(3) shall maintain a record of each deposit to and disbursement from the separate account, including a record of the payee and purpose of each disbursement; and

(4) not later than January 31 of each year, shall provide to each certificate holder that pays a fee to the municipality under this section, on the request of that certificate holder, a detailed accounting of the deposits to and disbursements from the separate account made in the preceding calendar year.

(d) Cable services to community public buildings, such as municipal buildings and public schools, [The following services] shall continue to be provided by the cable provider that was furnishing services pursuant to its municipal cable franchise [until January 1, 2008, or] until the expiration or termination [term] of the franchise. For a municipality with a population of more than one million, [was to expire, whichever is later, and thereafter as provided in Subdivisions (1) and (2) below:

~~[(4)]~~ institutional network capacity, however defined or referred to in the municipal cable franchise but generally referring to a private line data network capacity for use by the municipality for noncommercial purposes, shall continue to be provided at the same capacity as was provided by the cable provider that was furnishing services pursuant to its municipal cable franchise until the expiration or termination of the franchise agreement, whichever is later ~~[to the municipality prior to the date of the termination, provided that the municipality will compensate the provider for the actual incremental cost of the capacity; and~~

~~[(2) cable services to community public buildings, such as municipal buildings and public schools, shall continue to be provided to the same extent provided immediately prior to the date of the termination].~~ On ~~[Beginning on January 1, 2008, or]~~ the expiration or termination of the franchise agreement, ~~[whichever is later,]~~ a provider that provides cable ~~[the]~~ services described by this section may deduct from the franchise fee to be paid to the municipality an amount equal to the actual incremental cost of the cable services if the municipality requires cable ~~[the]~~ services after that date. Such cable service generally refers to the existing cable drop connections to such facilities and the tier of cable service provided pursuant to the franchise at the time of the expiration or termination.

SECTION 5. Sections 66.009(c) and (h), Utilities Code, are amended to read as follows:

(c) If a municipality did not have the maximum number of PEG access channels as of September 1, 2005, as provided by Subdivisions (1) and (2) based on the municipality's population on that date, the cable service provider or video service provider shall furnish at the request of the municipality:

- (1) up to three PEG channels for a municipality with a population of at least 50,000; and
- (2) up to two PEG channels for a municipality with a population of less than 50,000.

(h) Where technically feasible, the holder of a state-issued certificate of franchise authority that is not an incumbent cable service provider and an incumbent cable service provider, including an incumbent cable service provider that holds a state-issued certificate of franchise authority issued under Section 66.004(b-1), shall use reasonable efforts to interconnect their cable or video systems for the purpose of providing PEG programming. Interconnection may be accomplished by direct cable, microwave link, satellite, or other reasonable method of connection. The holder ~~[Holders]~~ of a state-issued certificate of franchise authority and the incumbent cable service provider ~~[providers]~~ shall negotiate in good faith, and the incumbent cable service provider ~~[providers]~~ may not withhold interconnection of PEG channels.

SECTION 6. (a) A municipality that received fees described by Section 66.006(c), Utilities Code, as amended by this Act, before September 1, 2011, shall, on September 1, 2011, transfer any fees that have not been disbursed to a separate account as required by Section 66.006(c-3), Utilities Code, as added by this Act.

(b) The change in law made by this Act in adding Sections 66.006(c-3)(3) and (4), Utilities Code, applies only to transfers, deposits, and disbursements made on or after the effective date of this Act. A transfer, deposit, or disbursement made before

the effective date of this Act is governed by the law in effect on the date the transfer, deposit, or disbursement was made, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2011.

The amendment was read.

Senator Carona moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1087** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Carona, Chair; Eltife, Watson, Lucio, and Van de Putte.

SENATE BILL 321 WITH HOUSE AMENDMENTS

Senator Hegar called **SB 321** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 321** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RESTRICTIONS ON PROHIBITING EMPLOYEE TRANSPORTATION OR STORAGE OF CERTAIN FIREARMS OR AMMUNITION

Sec. 52.061. RESTRICTION ON PROHIBITING EMPLOYEE ACCESS TO OR STORAGE OF FIREARM OR AMMUNITION. A public or private employer may not prohibit an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.

Sec. 52.062. EXCEPTIONS. (a) Section 52.061 does not:

(1) authorize a person who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law; or

(2) apply to:

(A) a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties;

(B) a school district;

(C) an open-enrollment charter school, as defined by Section 5.001, Education Code;

(D) a private school, as defined by Section 22.081, Education Code;

(E) property owned or controlled by a person, other than the employer, that is subject to a valid, unexpired oil, gas, or other mineral lease executed before September 1, 2011, that contains a provision prohibiting the possession of firearms on the property; or

(F) property owned or leased by a chemical manufacturer or oil and gas refiner with an air authorization under Chapter 382, Health and Safety Code, and on which the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials, except in regard to an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, and who stores the handgun in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees that is outside of a secured and restricted area:

(i) that contains the physical plant;

(ii) that is not open to the public; and

(iii) the ingress into which is constantly monitored by security

personnel.

(b) Section 52.061 does not prohibit an employer from prohibiting an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, or who otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. In this subsection, "premises" has the meaning assigned by Section 46.035(f)(3), Penal Code.

Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. Except in cases of gross negligence, a public or private employer or the employer's agent is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition transported or stored in accordance with Section 52.061, including an action for damages arising from the theft of the firearm or ammunition or the use of the firearm or ammunition by a person other than the employee authorized by Section 52.061 to transport or store the firearm or ammunition. The presence of a firearm or ammunition transported or stored in the manner and in a location described by Section 52.061 does not by itself constitute a failure by the employer to provide a safe workplace.

SECTION 2. Section 411.203, Government Code, is amended to read as follows:

Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a concealed handgun on the premises of the business. In this section, "premises" has the meaning assigned by Section 46.035(f)(3), Penal Code.

SECTION 3. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2011.

Floor Amendment No. 1

Amend **CSSB 321** (house committee printing) in SECTION 1 of the bill, in added Section 52.062(a)(2)(F), Labor Code (page 2, line 25), between "stores the handgun" and "in a locked", by adding "and related handgun ammunition".

Floor Amendment No. 2

Amend **CSSB 321** (house committee printing) in SECTION 1 of the bill, in added Section 52.062(a)(2)(E), Labor Code (page 2, line 15), by striking "executed before September 1, 2011,".

Floor Amendment No. 1 on Third Reading

Amend **CSSB 321** on third reading in SECTION 1 of the bill, in added Subchapter G, Chapter 52, Labor Code, by adding a new Section 52.064 (page 3, between lines 26 and 27) as follows:

Sec. 52.064. CONSTRUCTION OF PROVISION RELATING TO IMMUNITY FROM CIVIL LIABILITY. Section 52.063 does not limit or alter the personal liability of:

(1) an individual who causes harm or injury by using a firearm or ammunition for a firearm;

(2) an individual who aids, assists, or encourages another person to cause harm or injury by using a firearm or ammunition for a firearm; or

(3) an employee who transports or stores a firearm or ammunition for a firearm on the property of an employer but who fails to comply with the requirements of Section 52.061.

The amendments were read.

Senator Hegar moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 321** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Hegar, Chair; Birdwell, Whitmire, Wentworth, and Patrick.

SENATE BILL 316 WITH HOUSE AMENDMENTS

Senator Whitmire called **SB 316** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 316** (house committee report) as follows:

(1) On page 2, line 1, strike "and (d-2)" and substitute "(d-2), and (d-3)".

(2) On page 3, line 27, to page 4, line 1, strike "as an official purpose of the agency or attorney" and substitute "as a law enforcement purpose or an official purpose of office, as appropriate,".

(3) On page 4, between lines 13 and 14, insert:

(d-3) To clarify whether the use of property or the use of proceeds from the disposition of property is authorized under this article, the attorney general shall adopt rules specifying the uses that are considered to be made for:

(1) official purposes of the office of the attorney representing the state; and

(2) law enforcement purposes of a municipal, county, or state law enforcement agency.

(4) On page 4, line 26, between "training," and "investigative," insert "and".

(5) On page 4, line 26, strike "and other items" and substitute "and must specify whether those expenditures were made in accordance with rules adopted by the attorney general under Subsection (d-3)".

(6) On page 6, between lines 21 and 22, insert the following:

(d) The law enforcement agency or attorney representing the state shall reimburse the state auditor for costs incurred by the state auditor in performing an audit under this article.

(7) On page 9, strike lines 2-23 and substitute the following:

SECTION 4. The changes in law made by this Act in amending Article 59.03, Code of Criminal Procedure, apply only to property seized on or after September 1, 2011.

SECTION 5. (a) Except as provided by Section 6 of this Act, the changes in law made by this Act in amending Article 59.06, Code of Criminal Procedure, apply to the disposition or use, on or after September 1, 2011, of proceeds or property received by a law enforcement agency or attorney representing the state under Chapter 59, Code of Criminal Procedure, regardless of whether the receipt of the proceeds or property occurred before, on, or after September 1, 2011.

(b) The attorney general shall adopt the rules required by Article 59.06(d-3), Code of Criminal Procedure, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the attorney general may adopt the rules in the manner provided by law for emergency rules.

SECTION 6. The changes in law made by this Act in amending Article 59.06(g), Code of Criminal Procedure, and adding Articles 59.061 and 59.062, Code of Criminal Procedure, apply to any audit performed on or after September 1, 2011.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Floor Amendment No. 2

Amend **SB 316** (house committee printing) in SECTION 2 of the bill as follows:

(1) In the recital for Article 59.06, Code of Criminal Procedure (page 2, line 1), between "Subsections" and "(c-2)", insert "(b-3),".

(2) In amended Article 59.06, Code of Criminal Procedure, on page 2, between lines 2 and 3, insert the following:

(b-3) Notwithstanding any other provision of this article, in a judicial district with a population of less than 150,000, with the approval of a commissioner's court or a review committee described by this subsection, a district attorney with felony jurisdiction may transfer proceeds from the sale of forfeited property, after the deduction of amounts described by Subsection (a), to local law enforcement agencies to be used for law enforcement purposes, including the provision of training or the administration of community outreach programs. If the district attorney represents only one county, a transfer under this subsection is subject to the approval of the commissioners court. If the district attorney represents more than one county, the transfer is subject to the approval of a regional review committee composed of a county judge, a county attorney, and a county commissioner appointed by a member of the house of representatives of this state who represents one of the counties represented by the district attorney.

Floor Amendment No. 3

Amend **SB 316** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION ____ . Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (c-3) to read as follows:

(c-3) Notwithstanding Subsection (a), with respect to forfeited property seized in connection with a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act), by a peace officer employed by the Department of Public Safety, in a proceeding under Article 59.05 in which a default judgment is rendered in favor of the state, the attorney representing the state shall enter into a local agreement with the department that allows the attorney representing the state either to:

(1) transfer forfeited property to the department to maintain, repair, use, and operate for official purposes in the manner provided by Subsection (b); or

(2) allocate proceeds from the sale of forfeited property described by Subsection (c), after the deduction of court costs as described by that subsection, in the following proportions:

(A) 40 percent to a special fund in the department to be used solely for law enforcement purposes;

(B) 30 percent to a special fund in the county treasury for the benefit of the office of the attorney representing the state, to be used by the attorney solely for the official purposes of the attorney's office; and

(C) 30 percent to the general revenue fund.

SECTION ____ . Article 59.06(c-3), Code of Criminal Procedure, as added by this Act, applies to property seized or taken into custody on or after the effective date of this Act. Property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

(2) In SECTION 5 of the bill, on page 9, strike lines 10 and 11, and substitute "The changes in law made by this Act in adding Subsections (c-2), (d-1), and (d-2), Article 59.06, Code of Criminal Procedure, and amending Subsection (d), Article 59.06, Code of".

(3) Renumber remaining SECTIONS of the bill as appropriate.

Floor Amendment No. 1 on Third Reading

Amend **SB 316** on third reading as follows:

(1) Strike proposed Subsection (b-3), Article 59.06, Code of Criminal Procedure, as added by the second reading Amendment No. 2 by Hilderbran, and the reference to Subsection (b-3) in the recital for Article 59.06, Code of Criminal Procedure, in SECTION 2 of the bill.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 24.377, Government Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the requirements under Article 59.06, Code of Criminal Procedure, the district attorney for the 198th Judicial District may use proceeds from the sale of forfeited property, after the deduction of amounts described by Article 59.06(a), Code of Criminal Procedure, for the official purposes of the office of the district attorney only on the approval of:

(1) the commissioners court of each county in the judicial district; or

(2) a regional review committee composed of a county judge, a county attorney, and a county commissioner, each appointed by the member of the house of representatives of this state who represents the largest number counties in the judicial district.

Floor Amendment No. 2 on Third Reading

Amend the third reading amendment No. 1 to **SB 316** by Hilderbran in proposed Section 24.377(c), Government Code, by striking the language on page 1, lines 19-23, and substituting the following:

(2) a regional review committee composed of three members who are a county judge, a county attorney, a county commissioner, or a county sheriff, each appointed by the member of the house of representatives of this state who represents the largest number of counties in the judicial district.

Floor Amendment No. 3 on Third Reading

Amend the Gallego second reading amendment to **SB 316** on third reading by striking page 1, lines 1-29, through page 2, lines 1-25 of the amendment, and substituting the following:

In SECTION 3 of the bill, in added Article 59.061, Code of Criminal Procedure, add the following subsection:

(d) The law enforcement agency or attorney representing the state shall reimburse the state auditor for costs incurred by the state auditor in performing an audit under this article.

Floor Amendment No. 4 on Third Reading

Amend **SB 316** on third reading to read as follows:

(c-4) Notwithstanding Subsections (a) and (c-3), with respect to forfeited property seized in connections with a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act), by the Department of Public Safety concurrently with any other law enforcement agency, in a proceeding under Article 59.05 in which a default judgment is rendered in favor of the state, the attorney representing the state may allocate property or proceeds in accordance with a memorandum of understanding between the law enforcement agencies and the attorney representing the state.

The amendments were read.

Senator Whitmire moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 316** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Whitmire, Chair; Huffman, Hinojosa, Hegar, and Carona.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

SR 1006 by Whitmire

Urging the government of Turkey to uphold and safeguard religious and human rights of all its citizens without compromise, to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate and all religious and faith traditions.

To Committee on State Affairs.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

HB 51 to Committee on Natural Resources.

HB 1013 to Committee on Health and Human Services.

HB 1937 to Committee on Transportation and Homeland Security.

HB 2560 to Committee on Criminal Justice.

HB 2594 to Committee on Business and Commerce.

HCR 84 to Committee on Administration.

SENATE RULES SUSPENDED

(Posting Rules)

(Motion In Writing)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills and resolution tomorrow:

HB 709, HB 782, HB 886, HB 1071, HB 1371, HB 1400, HB 1429, HB 1496, HB 1525, HB 1568, HB 1619, HB 1649, HB 1759, HB 1760, HB 2104, HB 2160, HB 2197, HB 2220, HB 2265, HB 2363, HB 3096, HB 3111, HB 3803, HB 3842, HB 3859, HJR 63.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills tomorrow:

HB 1469, HB 2592, HB 2594, HB 2931, HB 3167, HB 3410, HB 3453.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills tomorrow:

HB 2541, HB 2596, HB 3823, HB 2032, HB 3030, HB 3421, HB 3324, HB 2623.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills tomorrow:

HB 1226, HB 2089, HB 2173, HB 2292.

CO-AUTHOR OF SENATE BILL 513

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 513**.

CO-AUTHOR OF SENATE BILL 1021

On motion of Senator Rodriguez, Senator Uresti will be shown as Co-author of **SB 1021**.

CO-AUTHOR OF SENATE BILL 1913

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1913**.

CO-AUTHOR OF SENATE BILL 1914

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1914**.

CO-AUTHOR OF SENATE BILL 1915

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1915**.

CO-SPONSOR OF HOUSE BILL 399

On motion of Senator Zaffirini, Senator Davis will be shown as Co-sponsor of **HB 399**.

CO-SPONSOR OF HOUSE BILL 1720

On motion of Senator Patrick, Senator Nelson will be shown as Co-sponsor of **HB 1720**.

CO-SPONSORS OF HOUSE BILL 2038

On motion of Senator Deuell, Senators Van de Putte and West will be shown as Co-sponsors of **HB 2038**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SCR 55 by Seliger and Duncan, Commemorating the lives of John Clinton Formby and Margaret Clark Formby.

SR 1014 by Van de Putte, In memory of Robert Len Him Eng.

SR 1016 by Hinojosa, In memory of Loren Hall of Corpus Christi.

SR 1026 by Eltife, In memory of Jere J. Ruff of Longview.

Congratulatory Resolutions

SR 1007 by Seliger, Recognizing Justin B. Graham and Paul D. Ware of Amarillo for receiving the 2010 State of Texas Law Enforcement Achievement Award for Valor.

SR 1008 by Seliger, Recognizing K. C. Simpson and Jerry S. "Steven" White of Potter County for receiving the 2010 State of Texas Law Enforcement Achievement Award for Valor.

SR 1009 by Van de Putte and Zaffirini, Recognizing the Hispanic Women's Network of Texas on the occasion of its 25th anniversary.

SR 1010 by Van de Putte, Recognizing Diane Mann on the occasion of her retirement from The University of Texas Health Science Center at San Antonio.

SR 1011 by Van de Putte, Recognizing Juan L. Castillo on the occasion of his retirement from the United States Department of Homeland Security, Federal Protective Service.

SR 1012 by Van de Putte, Recognizing Leticia Pulido McKenzie on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

SR 1013 by Van de Putte, Recognizing Jose Antonio Chapa of San Antonio for his career as a pilot and instructor.

SR 1015 by Van de Putte, Recognizing Susan Erwin Harms on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

SR 1017 by Hinojosa, Recognizing Enrique Espinoza, Jr., on the occasion of his retirement from the Texas Department of Public Safety.

SR 1018 by Watson, Congratulating Allison and Chris Tipton on the birth of their son, Cash Harlan Tipton.

SR 1019 by Watson, Recognizing Big Brothers Big Sisters of Central Texas on the occasion of its 40th anniversary.

SR 1020 by Watson, Recognizing Cynthia G. Diaz de Leon for being named Union Hill Elementary School's 2010-2011 Teacher of the Year.

SR 1021 by Watson, Recognizing Rose Lancaster of Austin for her years of community service.

SR 1022 by Watson, Recognizing Bob Reynolds on the occasion of his retirement from the Office of the Comptroller of Public Accounts.

SR 1023 by Watson, Recognizing Kevin B. Deiters on the occasion of his retirement from the Office of the Comptroller of Public Accounts.

SR 1024 by Watson, Recognizing Derrick R. Taylor of Travis County for receiving the 2010 State of Texas Law Enforcement Achievement Award for Public Service.

SR 1025 by Watson, Recognizing Oralía Moran on the occasion of her retirement from the Texas Department of Criminal Justice.

SR 1027 by Lucio, Recognizing Pasquale Lanese for his service as a minister with the Missionary Oblates of Mary Immaculate.

SR 1028 by Lucio, Recognizing Michael J. Amesse for his service as a minister with the Missionary Oblates of Mary Immaculate.

SR 1029 by Uresti, Recognizing the finalists and winners of the H-E-B Excellence in Education Awards.

SR 1030 by Zaffirini, Recognizing Adolfo Alvarez Sr. of Pearsall on the occasion of his 80th birthday.

SR 1031 by Van de Putte and Zaffirini, Recognizing Deborah K. Badrak on the occasion of her retirement from the Schertz-Cibolo-Universal City Independent School District.

SR 1032 by Lucio, Recognizing Cain Ramirez Velasquez for his accomplishments in Mixed Martial Arts.

SR 1033 by Jackson, Recognizing Mickey Gilley for his career in country music.

HCR 143 (Ellis), Honoring Debra L. Friedkin for her support of the ongoing anthropological research at the Debra L. Friedkin site by Texas A&M University's Center for the Study of the First Americans.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:26 p.m. adjourned, in memory of Clifton L. Taylor, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 17, 2011

CRIMINAL JUSTICE — **HB 260, CSHB 1658**

HEALTH AND HUMAN SERVICES — **CSSB 1193**

CRIMINAL JUSTICE — **CSHB 2015**

ECONOMIC DEVELOPMENT — **CSHB 970**

STATE AFFAIRS — **HB 3017, HB 3093, HB 2359, HB 1593, HB 528, HB 365**

ADMINISTRATION — **SCR 51, HCR 63, HCR 90, HCR 133, SB 1928, HB 114, HB 1128, HB 2759, HB 2793, HB 3814**

NATURAL RESOURCES — **CSHB 3002, CSHB 3134**

FINANCE — **SB 1927, HB 590, HB 1841, HB 2048, HB 2203, HB 2825, HB 3182, HB 3727**

AGRICULTURE AND RURAL AFFAIRS — **HB 412, HB 338, HB 3808, HB 2742, HB 2189, HB 2127, HB 2471, HB 414**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 805, HB 1075, HB 1116, CSHB 1201, HB 1235, HB 1305, HB 3309, HB 2519, CSHB 2469, HB 2325, HB 2223, HB 2195**

FINANCE — **CSHB 1887**

TRANSPORTATION AND HOMELAND SECURITY — **HB 2040, HB 1523, HB 1499, HB 1486, HB 1395, HB 1376, HB 787, HB 596, HB 588, HB 441, HB 343, CSHB 308**

FINANCE — **HB 654**

TRANSPORTATION AND HOMELAND SECURITY — **HB 1866**

STATE AFFAIRS — **CSHB 3161, CSHB 2172**

GOVERNMENT ORGANIZATION — **CSHB 1951**

BILLS ENGROSSED

May 16, 2011

SB 555, SB 1574

BILLS AND RESOLUTIONS ENROLLED

May 16, 2011

SB 248, SB 331, SB 356, SB 403, SB 509, SB 533, SB 564, SB 604, SB 628, SB 816, SB 1121, SB 1140, SB 1150, SB 1165, SB 1217, SB 1229, SB 1241, SB 1242, SB 1327, SB 1356, SB 1357, SB 1385, SB 1433, SB 1492, SB 1496, SB 1608, SB 1806, SB 1886, SR 866, SR 938, SR 994, SR 995, SR 997, SR 998, SR 999, SR 1001, SR 1002, SR 1003, SR 1004, SR 1005

In Memory
of
Clifton L. Taylor
Senate Resolution 847

WHEREAS, The Senate of the State of Texas joins the citizens of Johnson County and Texans across the state in mourning the loss of Johnson County Deputy Sheriff Clifton L. Taylor, who died in the line of duty on April 23, 2011, at the age of 31; and

WHEREAS, Deputy Sheriff Taylor had been serving and protecting the people of Johnson County as a member of the sheriff's office for three years and three months; he was greatly respected and admired by his colleagues and all who knew him, and his death is a tragic reminder of the sacrifices made daily by the members of law enforcement and their families; and

WHEREAS, An outstanding officer, Cliff Taylor was renowned for his dedication to duty, his selfless service in the community, and his strong work ethic; an engaging young man with a warm sense of humor, he was noted for his reliability, his fairness, and his compassion for others; and

WHEREAS, Cliff Taylor leaves a legacy of courage and commitment to public service, and his family, his fiancée, his colleagues in the first-responder community, and his countless friends will forever cherish their memories of his life, his loyalty, and his many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life of Johnson County Deputy Sheriff Clifton L. Taylor and extend sincere condolences to his bereaved family; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Clifton L. Taylor.

BIRDWELL

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ADDENDUM

(SIXTY-FIRST DAY CONTINUED — Tuesday, May 17, 2011)

The following remarks regarding **CSSB 31** were ordered reduced to writing and printed in the *Senate Journal* on Wednesday, May 18, 2011:

COMMITTEE SUBSTITUTE SENATE BILL 31 ON SECOND READING

President Pro Tempore Ogden: Senator Seliger is recognized for a motion to suspend the regular order of business on Committee Substitute to Senate Bill 31.

Senator Seliger: Thank you, Mr. President. I move to suspend the regular order of business to take up and consider Committee Substitute to Senate Bill 31 at this time, related to the composition of the districts for election of Members of the Texas Senate. This is a redistricting bill. From the beginning, and I think I pointed this out in Committee, this process has been about fair and legal. I believe the process has been fair and results in a map that is both fair and legal. All states must comply with Section 2 of the Voting Rights Act. It is not a measure that simply applies to those states south of the Mason-Dixon Line. And all or part of 16 states must comply with Section 5 of the Voting Rights Act. As a covered jurisdiction, Texas must comply with both Section 2 and 5 of the Voting Rights Act, and this map complies with both. In my inexpert research of the Voter Rights Act, it appears that there are a couple of precincts in Brooklyn, New York, that must also comply with Section 5. In one version of our map we had those precincts going to District 1 in the Texas State Senate. This map also satisfies the one person, one vote rule that is constitutional. Our task did not come without challenges. I realize that fairness is subjective. The map will not satisfy all 31 Members. But when it's all said and done, redistricting is about voters. And not every voter will be happy, either. But every voter will be represented, and, with a bias that I have gotten from serving with the individuals on this floor, I would submit to you that every voter will be well represented. Balancing this objective with the objective, does not necessarily achieve perfect harmony. Race has not been a predominant factor in redistricting the Texas Senate. However, considerations were made to comply with the Voting Rights Act, and almost every Member of the Senate, at one point or another, with a suggestion, has been reminded that we should not do the basic element of retrogression, which is to take a Black voting-age population, Hispanic voting-age population, or Spanish surname voter registration and go down, go backwards, which is what retrogression really means. The Senate Select Committee on Redistricting has held multiple public outreach

hearings, and I've invited every Member of this body to come and talk about what they would like to see in a map and what they would like to see in the State of Texas. This map reflects the collective input from the Senate and the general public. The 2010 population of the State of Texas is 25,145,561. The ideal district size is 811,147 Texans. PlanS125, which is represented in this committee substitute, has an overall deviation of 8.03 percent, which reflects an improvement from the 9.74 percent deviation when this was done 10 years ago. The smallest district in population is the 28th, the largest is District 3. I move suspension.

The motion to suspend the regular order of business prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Lucio.

President Pro Tempore Ogden: The following amendment, the Secretary will read the amendment.

Secretary of the Senate: Floor Amendment No. 1 by Davis, PlanS139.

President Pro Tempore Ogden: Chair recognizes Senator Davis on her amendment.

Senator Davis: Thank you Mr. President. Thank you Members. I have some preliminary comments before I introduce the amendments, if you will allow them, first of all, regarding the map and the process. After being kept in the dark while the proposed Committee Substitute to Senate Bill 31, Senate redistricting plan, was being drawn, I ask my Members, my fellow Members, to please listen to me and my constituents very carefully today, because the process used to develop the plan and the plan itself, I believe, violate the Voting Rights Act. Simply put, I only saw my own district less than 48 hours before the Committee met, and the statewide plan was presented less than 24 hours after that. That is insufficient time for my constituents and your constituents to comment and provide input into a plan that reduces the number of districts that would provide African American and Latino Texans an effective voice in electing their Senators. Some Senators were consulted during the development of the map before us. They saw and responded to early drafts. Their input was heard and was reflected in the plan. Many more of us, particularly those of us who represent large minority communities, were shut out of the process and allowed only a last-minute look at how our constituents would be treated in this plan. We are being denied access to the process. It is the same as your constituents and my constituents being denied access. In my case and in yours, hundreds of thousands of minority citizens whose rights are protected by law have been shut out of the process. The Senate plan under which we were elected contains 15 majority-minority districts, and 12 of them have effectively provided African American and Hispanics an opportunity to elect the candidate of their choice. This Committee Substitute to Senate Bill 31 plan would reduce that number to 12 majority-minority districts, and only 10 of them that would elect the minority candidate of choice because the plan changes two of those majority-minority districts into Anglo majority districts, Districts 10 and

14, where that majority-minority has effectively developed effective coalitions to elect their candidate of choice. Case law makes it clear that this Committee and this Senate cannot look at retrogression solely on a district-by-district basis but also must consider the statewide benchmark in proportionality. Between 2000 and 2010, roughly 90 percent of the state's population growth in the past decade was non-Anglo. Today, only 45.3 percent of the Texas population is Anglo, 49 percent is African American and Latino, and almost 55 percent is not Anglo. But in the proposed Committee Substitute to Senate Bill 31 plan, two-thirds of the districts would be effectively controlled by those 55 percent or, excuse me, less than 55 percent Anglos, which clearly constitutes statewide retrogression. The Senate Bill 31 plan demolishes Senate District 10 as an effective majority-minority coalition district. The current District 10 was described by the LRB in its submission seeking Department of Justice preclearance in 2001 as one of the districts that contains significant minority communities that are, essentially, kept intact within these districts. The voting strength, the LRB said, of these minority communities in the future, will be, depend on the cohesion within and between Black and Hispanic voters and the ability of such voters to form coalitions with other racial or ethnic groups in support of their preferred candidates. Since those words were written about the LRB plan in 2001, those cohesive coalitions have been formed, and Senate District 10 is now only 47.6 percent Anglo and has become an effective majority-minority coalition district, as a number of witnesses testified at the Committee hearing. The Committee Substitute to Senate Bill 31 would eliminate Senate District 10 as an effective majority-minority district, creating a new District 10 that is 54.5 percent Anglo and 59.4 percent Anglo voting-age population. The authors of the Committee Substitute to Senate Bill 31 plan achieve the demolition of Senate Bill, Senate District 10 as a majority-minority coalition district by cracking the African American and Hispanic voters in District 10 into three other districts that share few, if any, common interests with the existing District 10, Tarrant County, minority coalition. The African American community in Fort Worth is exported into rural District 22, which stretches over 120 miles south to Falls County. The Hispanic north side is placed in Denton-based District 12. The growing south side Hispanic population remains split apart from its former community in District 10. Instead of uniting the rapidly growing minority population in Arlington in an effective majority-minority district, this plan places them in District 9, which would be effectively controlled by Anglo, suburban voters. Members, I believe it is my duty as the elected representative of Senate District 10 to fight this plan because I cannot allow the voting rights of hundreds of thousands of my constituents in Tarrant County to be trampled. To speak specifically to retrogression in Dallas and Tarrant counties, which sets up the opportunity for me to introduce my amendments, today, there are two Senate Districts in Dallas and Tarrant counties that provide African American and Latino voters the opportunity to elect their candidate of choice, District 10, represented by myself, and, of course, District 3, represented by Senator West.

Senator West: Twenty-three.

Senator Davis: I'm sorry, District 23. The proposed Committee Substitute for Senate Bill 31 plan would reduce that number to one, Senate District 23. This in the face of these facts: The combined population of Dallas and Tarrant counties is 4,177,173

people. Only 41.2 percent of that total is Anglo, and 49 percent is African American and Latino. But in the proposed plan, only one of seven, or 14.3 percent of the Senate Districts that include parts of Dallas and Tarrant counties would provide an effective electoral voice for African American and Hispanic voters. Since 2000, Anglo population in Dallas and Tarrant counties has decreased by 156,742 people, while the African American and Hispanic populations have increased by almost 600,000 people. Yet, this plan reduces the number of districts that provide those voters the ability to elect their candidate of choice, which is a clear violation of Section 5 of the Voting Rights Act. Even in Tarrant County alone, non-Anglos accounted for over 88 percent of all population growth, and only 51.8 percent of the county population is now Anglo. But this plan eliminates the only Tarrant County district that gave minority voters an opportunity to elect their candidate of choice. The first amendment, Mr. President and Members, Amendment No. 1, which is Plan 139, if you would allow me to walk you through it, creates a 63.3 percent Latino opportunity district and an 80.9 percent Black plus Latino opportunity district in Tarrant and Dallas counties. The proposed District 10 achieves two important goals. This amendment creates a significant majority Latino opportunity district that is 63.3 percent Latino and 57.7 percent Hispanic voting-age population and also unites the minority population in Fort Worth. In Committee, Senator Zaffirini generously introduced and allowed me to lay out a map which demonstrates that an effective minority opportunity district can be created in Tarrant and Dallas to represent the 1.6 million minority voters in those counties. In my committee amendment the map created a strong Black plus Latino opportunity district. This amendment creates a strong Latino opportunity district which also unites the Black communities of Tarrant County. With a combined African American and Latino population of almost 1.6 million, there is clearly sufficient minority population to draw two effective minority districts in Dallas and Tarrant counties, and this amendment provides clear evidence that the failure to draw these districts, District 10 and District 23, will violate Section 2 of the Voting Rights Act. Under this plan, all incumbents of both parties have an excellent opportunity to be re-elected and minority voters have the opportunity required by the Voting Rights Act. This amendment does not affect the statewide deviation and does not change those districts which have the highest or lowest deviation. Hispanic population growth is responsible for the majority of growth in Tarrant and Dallas counties, while the Anglo population declined by over 150,000 in those two counties combined. The proposed District 10, under this amendment, is only 16.4 percent Anglo and 21.1 percent Anglo voting-age population. The district has a combined Black plus Hispanic voting-age population of 80.9 percent, with a Black plus Hispanic citizen voting-age population of 62.5 percent. These population characteristics exceed the minority population of the proposed District 15, represented by Senator Whitmire in Harris County, by over 14 percent. In this amendment, Senate District 23 is maintained as an effective African American opportunity district that includes all of the African American growth areas in south and southwest Dallas County. In fact, this amendment actually increases the African American population to 44 percent, compared to 40.4 percent in the proposed Committee plan, and African Americans constitute a plurality of the

population in this amendment, while Hispanics make up a plurality of the population in that district, in the Committee plan. Mr. President and Members, I would move adoption of Amendment 1.

President Pro Tempore Ogden: Senator Seliger, for what purpose do you rise?

Senator Seliger: To ask some questions of Senator Davis about the proposed amendment.

Senator Davis: Yes.

President Pro Tempore Ogden: Alright. You have the floor and you're recognized to ask questions.

Senator Seliger: Thank you Mr. President. Senator Davis, this map starts in central Tarrant County, goes through about a third of the county, and then a very thin neck, and then goes over into Dallas County, has a head that goes up toward Collin County, and then another little stem in Dallas County. Could you tell me, since this doesn't appear particularly intuitive, could you characterize the shape of Senate District 1, 10 in this map?

Senator Davis: Well, I wouldn't know how to put a name to the shape, Senator Seliger. What I would say is that there's nothing extraordinarily unique about its shape as compared to some of the Senate Districts that exist in the State of Texas today and as are proposed in the current map. What it seeks to do, of course, is to combine persons who have common interests, a coalition of voices, so that their interests are represented in the Texas Senate.

Senator Seliger: How did you select the precinct that you put in the proposed Senate District 10?

Senator Davis: The precincts are selected looking at the population of those precincts and common characteristics of those precincts, as well. Particularly, their interest in issues before the State Senate on those issues that they have a common voice on.

Senator Seliger: In the present Senate District 10, would you assert firmly that that is a majority-minority district?

Senator Davis: I would absolutely assert, very firmly and without question, that the existing Senate District 10 is a majority-minority, coalition district. It was, of course, best demonstrated in 2008, during my election when, over a Anglo vote, the Latino and African American communities of Senate District 10 came together with like-minded Anglo voters and made me their State Senator.

Senator Seliger: Coalition means something a little different in that context though. And the real question was do you consider the current Senate District 10 a majority-minority district?

Senator Davis: Yes, I do.

Senator Seliger: Can you tell me, did you use PlanS116, the one submitted by MALDEF, as the footprint for this amendment?

Senator Davis: I have not seen Plan 116.

Senator Seliger: We didn't see it until about 2:18 p.m. on Thursday, and we did receive some written testimony from MALDEF, and we analyzed their Senate District 10 and your current Senate District 10 in this amendment. We are concerned about that configuration, and we felt that, whatever the deficiencies were, that this plan sort of magnified them. I mean it concerned us that this version that you have proposed invites stricter scrutiny from the courts and not less. And for that reason, Mr. President, I move to table the amendment.

President Pro Tempore Ogden: Alright, Senator Davis is recognized to close.

Senator Davis: Thank you Mr. President and Members. Before I close on this amendment, I would like to have the privilege of reading to you from an editorial that was written in the *Fort Worth Star-Telegram* by one of the editorial writers there, Bob Ray Sanders. Bob Ray Sanders grew up in southeast Fort Worth, and he editorialized on the plan that's been presented today in a way that, I think, adequately captures, beautifully captures the impact of the decision being made by this body on that particular community. He wrote:

A right so fundamental as voting should never be denied nor tampered with in a representative democracy. Yet, in the world's oldest and greatest existing democracy, that guaranteed privilege has been withheld from or manipulated for certain groups throughout our history. At the republic's birth, many people were excluded when it came to exercising that basic right because they were considered non-citizens . . . or they were at best second-class citizens Even after the Civil War and the passage of the 15th Amendment that guaranteed voting rights (for males) regardless of "race, color, or previous condition of servitude," southern states were determined to devise ways to keep African Americans from participating in the sacred ritual of casting a ballot. Southerners came up with poll taxes and literacy tests, and, when all else failed, intimidation and outright violence became part of the process of keeping the Black man in his place and away from the polling place. For almost a hundred years such methods were practiced and accepted. I (being Bob Ray Sanders) distinctly remember my parents paying poll taxes just as they, as land owners, paid other taxes that funded public facilities and services we could not use. Under President Lyndon Johnson, the Voting Rights Act of 1965 was passed after a long struggle for equal opportunity in the South where many were jailed, beaten, and lynched simply because they demanded that America live up to its promise to all citizens. In recent years, when intimidation was not tolerated or simply didn't work, new tactics were devised to impede or somehow lessen the impact of minority voting. Instead of Jim Crow laws, police dogs, and fire hoses, biased politicians came up with a new weapon designed to suppress or dilute the votes of Blacks and Hispanics, making it difficult to elect officeholders with their interests as a priority. Instead of guns or ropes, all they needed was a pen or a map-drawing computer capable of splitting up minority communities and including them in a larger pool dominated by people who didn't look like them or share the same goals and aspirations. The Texas Legislature has railroaded through a Voter ID bill that will have a negative impact on poor, minority, and older people. Additionally,

lawmakers have produced redistricting maps that include the not-so-subtle trappings of Jim Crow. It's no wonder that Texas and several other states with a history of discrimination are required to get preclearance from the Justice Department for any changes made in voting procedures. Gerrymandering, always part of the redistricting process, is obvious once again in the proposed maps for Texas House and Senate seats. . . . Perhaps most egregious is what it proposes for Tarrant County's District 10, represented by Senator Wendy Davis of Fort Worth. As Davis' office said last week, "African American voters in southeast Fort Worth, Everman, and Forest Hill, would be completely disenfranchised in a mostly rural district in Johnson and Ellis counties to the south. Hispanic voters in north Fort Worth would be silenced by combining them with hundreds of thousands of Anglo Republican voters in Denton County." Minority and Democratic leaders in Tarrant County are rightfully outraged. As in years past, minority voters who can't depend on their state leaders for fairness must now put their faith in the U.S. Justice Department, which has said it is keeping an eye on Texas. . . . One thing minorities know for sure (Bob Ray says): Their fight to end discriminatory voting practices continues.

Members, as the representative voice of the communities that will be dramatically impacted by this plan, I move adoption of Floor Amendment No. 1.

President Pro Tempore Ogden: Alright, Senator Davis, the motion is to table, so I think you're speaking in opposition of the motion to table.

Senator Davis: Thank you Mr. President.

President Pro Tempore Ogden: Alright. Members, the motion is to table Floor Amendment No. 1.

The motion to table Floor Amendment No. 1 prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van De Putte, Watson, West, Whitmire, Zaffirini.

President Pro Tempore Ogden: Following amendment, the Secretary will read the amendment.

Secretary of the Senate: Floor Amendment No. 2 by Davis, PlanS141.

President Pro Tempore Ogden: The Chair recognizes Senator Davis on her amendment.

Senator Davis: Thank you Mr. President. Plan 141 creates a 69 percent minority district wholly in Tarrant County. This amendment provides another way to address the Section 2 requirements to maintain two effective majority-minority districts in North Texas and create an even more effective minority district, District 10. Under this plan, all incumbents of both parties have an excellent opportunity to be re-elected, and minority voters have the opportunity required by the Voting Rights Act. This

amendment does not affect the statewide deviation and does not change those districts which have the highest or lowest deviations. The proposed District 10 unites the minority population in Fort Worth, Arlington, and Grand Prairie in Tarrant County to create a District 10 that is only 30.6 percent Anglo and 36.2 percent Anglo voting-age population. The district has a combined Black and Hispanic voting-age population of 57.8 percent with 34.4 percent Hispanic voting-age population and 24 percent African American voting-age population, with the total of those two populations of 63.6 percent and a total minority population of 69.4 percent. In this amendment, Senate District 23 is not affected materially at all. I would move adoption of Floor Amendment No. 2.

President Pro Tempore Ogden: Alright, Senator West, for what purpose do you rise?

Senator West: Question of the author.

President Pro Tempore Ogden: You're recognized to ask the question.

Senator West: Senator Davis, in terms of your current district in Tarrant County, you represent what percent African American and what percent Latino?

Senator Davis: In the current district? Do you—

Senator West: Yes.

Senator Davis: —have those numbers for me, again? If you'll give me just a moment—

Senator West: Sure.

Senator Davis: —Senator West, we'll get that exact number for you. I'm sorry, I have it here now, Senator West. The current Senate District 10, after the Census, had a Hispanic population of 28.9 percent, a Black population of 19.2 percent, a combined Black and Hispanic population of 47.5 percent, and with 4.9 percent other minorities. The total minority combined is, therefore, 57.3 percent.

Senator West: As it relates to the Seliger map, how does that change?

Senator Davis: Under the Seliger map, the percentage of Anglo population rises from 47.6 percent to 54.5 percent, the Hispanic population decreases from 28.9 percent to 25.9 percent, the Black population decreases from 19.2 percent to 14.6 percent, with the total combined population of Black and Hispanic decreasing by 7.5 percent.

Senator West: The African American population in southeast Fort Worth, is that in the proposed Seliger district?

Senator Davis: No, it is not. It has been moved under the proposed district to Senate District 22, which is represented by Senator Birdwell, which includes Waco and Grand Prairie and goes all the way south to Falls County.

Senator West: Let's talk about communities of interest for a second. Is there a community of interest in the move for southeast Fort Worth going into Senator Birdwell's district? Is there a community of interest there?

Senator Davis: I believe there is not.

Senator West: Okay, why would you believe that?

Senator Davis: I think, looking at this session and last session and the votes that are taken by me, on behalf of the district that I represent, you would find that in many instances they are different than those taken by my good colleague from Senate District 22. And the reason for that is, as it should be, because we are representing the voices of those communities in a unique way. Whether it's the Voter ID law that was proposed, whether it's on the budget and its cuts to education and health and human services and higher ed, which have a higher disproportionate impact on many of the people that I represent, whether it's on working on issues like payday lending or decreasing utility or insurance rates, you will see through the record of my votes on behalf of that community, a very different one than is being reflected by a largely Anglo population from Senate District 22.

Senator West: As it relates to doing an analysis of community of interest, you have indicated that one of the, I guess, one of the measurements that we should use is the vote of the representative as it reflects the will of the people in the district. Is that correct?

Senator Davis: Yes.

Senator West: Okay. Let's talk about other, let's talk about other barometers and measurements of community of interest. What else should be taken under consideration in your estimation?

Senator Davis: Well, certainly, we should take into estimation the unique interests of that urban community. Southeast Fort Worth has been a majority African American community for decades. It was the community that fought to get its rights to vote under the Voting Rights Act. It was a community that fought for enforcement of desegregation of their public school systems after that decision, *Brown v. Board of Education*, was handed down from the state. It has an interest that is uniquely urban as compared to that that's represented currently in Senate District 22.

Senator West: So, you're saying civil rights is important to that community.

Senator Davis: Very much so.

Senator West: And so, whoever represents that community has to be aware of what the history is as it relates to civil rights and the impact it's had on that district and be willing to stand up for that particular area of the district.

Senator Davis: Very much so.

Senator West: And so, that's something that that community is very sensitive to.

Senator Davis: Yes.

Senator West: Okay. Now, as it relates to representation in North Central Texas, there's only, there's two Democratic seats up there now, right? One in Dallas and one in Tarrant County.

Senator Davis: Correct.

Senator West: You have talked about the increase in the population, the African minority population in both Tarrant County and also Dallas County. Can you recount that one more time for me?

Senator Davis: Yes. It was 1.6 million people. It represents a growth of over 600,000 people in the Hispanic and Latino communities, while the Anglo community decreased by over 150,000 people.

Senator West: The new proposed 10, Senate District 10, does that give Latinos an opportunity to elect someone of their choice?

Senator Davis: Yes, it does.

Senator West: The new proposed 10 in the Seliger map?

Senator Davis: No, under the Seliger map it would not. Under the Seliger map the percentage of Anglo voters would be 54.5 percent, the percentage of Hispanic voters would only be 25.9 percent.

Senator West: What about vote, is that voting-age population or total population?

Senator Davis: That's total population. The voting-age population of Anglos is 59.4 percent. The voting-age population of Hispanics under the proposed map by Senator Seliger is 22.1 percent.

Senator West: Would the proposed map for Senate District 10 give African Americans an opportunity to elect someone of their choice?

Senator Davis: No, it would not. Again, the proposed voting-age population in that district for Anglos is 59.4 percent. The proposed voting-age population for African Americans drops from 17.9 percent to 13.4 percent.

Senator West: So, if you combine African Americans and Hispanics, would there be then an opportunity in a proposed Seliger district to elect someone of their choice?

Senator Davis: No, it does not. The combined voting-age population of the Black and Hispanic community under Senator Seliger's proposed map would only be 35.2 percent.

Senator West: Let's talk about the community of interest for Latinos in that district. As it relates to the proposed Seliger map, in comparison to the current map, is there a community of interest for the Latino voters in that district?

Senator Davis: No, there's not.

Senator West: How do you measure that?

Senator Davis: Again, historically, looking at the issues that have been important to that community, the Latino community in Fort Worth—

Senator West: What are those issues?

Senator Davis: —again, civil rights, of course, and working on the right to vote. They have fought hard and worked hard for equal opportunities in every measure of the law, whether that was in the education system, whether that was in creating opportunities

for better transportation, whether that is improving air quality in their area, which has had a particularly harmful impact on both the African American and Latino communities in Fort Worth, has been demonstrated by Cook Children's hospital.

Senator West: What about voter identification?

Senator Davis: Voter ID, immigration issues, again, looking at the voice I've given, the voice that this district is a better way to say it, the voice that this district has given to existing Latino voters has been reflective of their concerns and their interests on all of those issues.

Senator West: As it relates to where the Latino population is being dispersed to in the various districts, can you kind of give me an idea of whether the areas that it's being, the Senate Districts that they're being dispersed in, whether or not there's a voting record for those individuals that would get those Latinos in, out of their current Senate District 10.

Senator Davis: There are, of course, established voting records in both Senate District 12 where the Latino community would be moved and Senate District 22 where the African American community would be moved.

Senator West: Who currently represents those two districts?

Senator Davis: Senator Nelson represents Senate District 12, and Senator Birdwell represents Senate District 22.

Senator West: Okay.

Senator Davis: And not to disparage, of course, at all, the votes that those Senators take on the floor.

Senator West: I know because, Senator, I mean, look at Health and Human Services, Senator Nelson has done a great job on that.

Senator Davis: Very much so. But many times their votes—

Senator West: She's done an alright job. It's been alright.

Senator Davis: —their votes are reflective of the communities that they were voted to represent.

Senator West: Right.

Senator Davis: As they should be. And it's, it is a different vote. It is a different representative perspective than the one that's currently held by Senate District 10.

Senator West: So, you think that, in deciding on this particular amendment, we should take into consideration communities of interest?

Senator Davis: Yes, I do.

Senator West: What else should we take into consideration?

Senator Davis: I hope that what you'll take into consideration are the impacts of the people who are affected by the change to this map and the fact that they will no longer have a voice in the Texas State Senate. I hope that what Members will take into account is an understanding and a consideration that in an area as populated as North Texas is, with four and a half million people, comparable in size to Harris County,

which currently has the opportunity for minorities to elect four candidates of their choice, that North Texas would now be relegated to only having the opportunity to elect one person to represent their interests in the Texas State Senate and would be retrogressive under the Voting Rights Act and would violate the Voting Rights Act.

Senator West: Thank you Senator Davis.

Senator Davis: Thank you Senator.

(Senator Eltife in Chair)

Presiding Officer: Senator Seliger on the amendment.

Senator Seliger: Mr. President, as we scrutinize this amendment, I am inclined to think that it's least compelling of all the arguments about Voter Rights Act. Let me point out that what would a steel salesman know about the Voting Rights Act in going into this process? Not very much. And so, I was particularly careful as we went through this map, to pay attention to the Voter Rights Act. It is the law of the land. It's important. No map should be drawn in this state without it. And so, what I did was, in this case, was that most of the maps and most of parts of the map that went into 125 were drawn by a lawyer. I was allowed to hire outside counsel and hired some of the best people, the best people in the state, I think, some of the best in the country. People who don't draw maps, they simply pass legal judgment and scrutinize those maps, professors at Baylor University and a lawyer here in Austin who's probably as, done much of this work in the past 30 years as anybody in the State of Texas, maybe anybody in the country. And so, I will assert to you, that based upon that, this does meet the requirements of the Voting Rights Act. This bill is same as in Committee Amendment No. 9 that was rejected in the Committee, and I would ask the Senate do the same thing now as I move to table Floor Amendment No. 2.

Presiding Officer: Senator Davis to close on the amendment.

Senator Davis: Thank you Mr. President, and with all due respect to those who have had their eyes on the ability to defend Committee Substitute to Senate Bill 31, as it relates particularly to Senate District 10 and its compliance with the Voting Rights Act, I respectfully disagree. And I think it certainly is the case that in Texas legal eyes have had their eyes on and their opinions as part of many of the statewide redistricting maps that were approved and advanced to the Justice Department for its review under the Voting Rights Act. And in many of those instances the maps were struck down, even though lawyers said they were constitutional, even though lawyers said they complied with the Voting Rights Act. In the 1970s, the legislative maps were struck down in *White v. Regester*. In the 1980s, the congressional maps were struck down in *Upham v. Seamon*. In the 1990s, congressional districts were struck down in *Vera v. Bush*. In the post-2000 round, part of the congressional map was struck down in *LULAC v. Perry*. I believe that this map violates the Voting Rights Act in its configuration of Senate District 10 in North Texas. The current District 10 has evolved over the last decade, as the state predicted when it sought Voting Rights Act approval for the district back in 2001, into a majority-minority district where minority citizens have demonstrated the ability to elect their candidate of choice. Under the new plan, the voting strength of minority citizens in District 10 is rolled back dramatically, and Anglos are returned as a strong, controlling majority in the district.

Not only would minority voters in Senate District 10 no longer have an effective opportunity to elect a candidate in the district, they will have no voice at all. There are reasonable alternatives that recognize the voting strength of racial, ethnic minorities without retrogressing their ability to effectively participate in the political process, and I believe that this amendment represents one of those reasonable alternatives, and I would ask that you vote "No" on the motion to table Amendment No. 2.

Presiding Officer: Members, Senator Seliger has moved to table Floor Amendment No. 2.

The motion to table Floor Amendment No. 2 prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Davis: Thank you Mr. President.

Presiding Officer: Thank you Senator Davis.

Senator Davis: Thank you Members.

Presiding Officer: The following amendment. Secretary read the amendment.

Secretary of the Senate: Floor Amendment No. 3 by Uresti, SPlan133.

Presiding Officer: The following substitute amendment, Secretary please read the substitute amendment.

Secretary of the Senate: Floor Amendment No. 4 by Uresti, substituting for Floor Amendment No. 3.

Presiding Officer: Senator Uresti to explain the amendment.

Secretary of the Senate: And that is SPlan145.

Senator Uresti: Thank you Mr. President, Members. Good afternoon. I lay out Floor Amendment No. 4 and substitute PlanS133 with PlanS144. Members, this plan affects three of my colleagues and PlanS145. This is an attempt to restore Bexar County territory for Senator Zaffirini, who has a long and distinguished history of representing Bexar County. It would also authorize the exchange of territory between myself and Senator Van de Putte to maintain Spanish surname voter registration measures and also assist in honoring the request of my colleague from Travis County, Senator Watson, by restoring territory from District 21 to District 20—to District 14. However, after submission of various proposed amendments, Committee Substitute to Senate Bill 31, affecting Bexar and Travis counties, Chairman Seliger further directed us to achieve unanimous consent among the Members affected. Secondly, the Chairman asked that important Voting Rights Act measures, such as Spanish surname voter registration, be maintained according to Committee Substitute Senate Bill 31. And, lastly, the Chairman asked that the total population assignment for each affected district be maintained above 800,000. So today, Members, I offer a perfecting

amendment, PlanS145 to amend amendment PlanS133. This perfecting floor amendment restores territory from Senate District 19 to Senate 21 in south Bexar County for Senator Zaffirini. Secondly, the floor amendment would authorize the exchange of appropriate voting tabulation districts between Senate District 19 and Senate District 26 in eastern Bexar County to maintain the Voting Rights Act objectives of Committee Substitute Senate Bill 31. Lastly, the amendment restores territory in Travis County from Senate District 21 to District 14. One of those precincts includes Austin Bergstrom International Airport. The airport is more appropriate in the district that is anchored in Austin and Travis County. The other four precincts are all located north of the Colorado River, and this change would result in Senate District 21 stopping at a more natural line by not crossing north of the river. And importantly, it would reduce the division of compact, cohesive neighborhoods in historic East Austin. Members, all of the proposed changes to Committee Substitute Senate Bill 31 are wholly contained within these four districts affected that I mentioned. They restore a distinguished colleague as a representative of Bexar County, they achieve the 800,000 person threshold while maintaining the Voting Rights Act objectives of Committee Substitute Senate Bill 31. Members, perfecting Floor Amendment PlanS145, I believe is acceptable to Senators Zaffirini, Van de Putte, and Watson, and I believe it's acceptable to Chairman Seliger. With that, Mr. President, I respectfully move adoption of this amendment.

Presiding Officer: Senator Seliger on the amendment.

Senator Seliger: Mr. President and Members, there's not a lot of people moved around in this map, not a lot of real estate. But when you work very, very hard to see to it that a lot of attention is paid to the Spanish surname voter registration and other provisions in law, it's still a pretty difficult task. I appreciate the four Members of the Senate working together to do this. The amendment is acceptable to the author.

Senator Uresti: Thank you Chairman Seliger.

Presiding Officer: Senator Uresti moves adoption of Floor Amendment No. 4, which is substitute to Floor Amendment No. 3. Is there objection? Chair hears none. Motion is adopted. The question now is on the adoption of Floor Amendment No. 3 as substituted. Senator Uresti moves adoption. Is there objection? Chair hears none. Floor Amendment No. 3 as substituted is adopted. The following Floor Amendment by Gallegos.

Secretary of the Senate: Floor Amendment No. 5 by Gallegos, redistricting PlanS136.

Presiding Officer: Senator Gallegos to explain the amendment.

Senator Gallegos: Thank you Mr. President and Members. After in-depth discussions with the Latino leadership in Houston and Harris County, including all the Councilmembers who have represented the east side of downtown, I reluctantly pull down my amendment. Members, Mr. Chairman, Mr. President, this is only delayed for the time present. However, the ultimate goal is to parallel our districts, which have been consistently represented by Hispanic elected officials since 1980, in which all

the, also, by the way, also includes the University of Houston. So, with that in mind, in talking to the leadership and my friends in Harris County and Houston, I respectfully, reluctantly, for the time being, pull down my amendment.

Presiding Officer: Senator Gallegos withdraws Floor Amendment No. 5. Members, we're going to hold for one minute, we're waiting on a amendment that needs a change. Give us one minute, maybe two. Members, it's going to take a little while on this next amendment so we're going to take it up on third reading, the final amendment we'll take up on third reading. Senator Seliger, you're recognized for a motion.

Senator Seliger: Mr. President, I move the passage to engrossment of the Committee Substitute to Senate Bill 31.

Presiding Officer: Senator Seliger moves passage to engrossment.

CSSB 31 as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini

Nays: Davis, Ellis.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 31 ON THIRD READING**

President: Chair recognizes Senator Seliger for a motion to suspend the constitutional rule that bills be read on three several days.

Senator Seliger: Thank you Mr. President. I move to suspend the constitutional rule that bills be heard on three several days.

President: Members, you've heard the motion by Senator Seliger.

The motion to suspend the Three-day Rule for **CSSB 31** prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth West, Whitmire, Williams, Zaffirini.

Nays: Davis.

President: The Chair lays out on third reading and final passage Committee Substitute to Senate Bill 31. The Secretary will read the caption.

Secretary of the Senate: Committee Substitute to Senate Bill 31, relating to the composition of the districts for the election of Members of the Texas Senate.

President: The following Floor Amendment, Floor Amendment No. 1 by Senator Patrick. The Secretary will read the amendment.

Secretary of the Senate: Floor Amendment No. 1 by Patrick, PlanS146.

President: The Chair recognizes Senator Patrick to explain Floor Amendment 1.

Senator Patrick: Thank you Mr. President. This, Members, this is an agreement over a patch of land that only has a few hundred people that Senator Hegar and I have agreed upon, and I believe is, yeah, he's changed his mind again, and I've changed my mind, but I think we're good, so we better vote quickly.

Senator Seliger: You can specify, Senator, that this doesn't take any or all of your districts into Travis County.

Senator Patrick: It does not.

Senator Seliger: The amendment is acceptable to the author.

Senator Patrick: Thank you.

President: Members, Senator Patrick moves the adoption of Floor Amendment No. 1. It's acceptable to the author. Is there objection from any Member? Is there objection from any Member? Chair hears no objection and Floor Amendment No. 1 is adopted.

Senator Patrick: Thank you Senator Hegar.

President: Senator Davis, for what purpose do you rise, Ma'am?

Senator Davis: Question the author of the bill.

President: Will Senator Seliger yield?

Senator Seliger: I will.

Senator Davis: Senator Seliger, with respect to Senate District 10, as it's drawn in the Committee Substitute to Senate Bill 31, how would you describe the shape of that district?

Senator Seliger: I would describe it as it was passed out of Redistricting in 2001, as elongated and surrounding. Starts and has the top part of the Texas Panhandle, goes one county wide on the eastern, on the far western edge of the Panhandle, kind of surrounds Lubbock and takes in the Permian Basin.

Senator Davis: I'm sorry, I'm asking about Senate District 10. How would you describe the shape of Senate District 10 as proposed in the new map?

Senator Seliger: It is a kind of an earlobe, kind of a double ear shape.

Senator Davis: And can you help me understand how the decision was made to draw the lines as they're drawn in this proposal?

Senator Seliger: Yeah, as a matter of fact I can, in this respect. When we had our outreach hearing in Dallas, and your district director was there and said that they would very much like to see that district fully contained in Tarrant County, and so it is. It is, Tarrant County, I think, is probably, maybe arguably dominated by Fort Worth, or 83,000 people more in Fort Worth, in Senate District 10. Then we had to deal with a couple of things. That between Senate District 10 and Senate District 12 and that part occupied by the adjoining district, there were several thousand people over-population in that area. Coryell County in Senate District 22 needed to be moved to accommodate the demands for population as the map moved to the west. And it

was short by about 100,000 people in Senate District 22. And so, a decision had to be made on how to populate Senate District 2. And so, that part of Senate District 22 that comes up into Tarrant County is there for that reason, to populate by about a hundred some-odd thousand people.

Senator Davis: Well, let's talk about that for a minute. So, Senate District 12, as you said, it was overpopulated after the Census. So, how and why was a decision made to carve out the near north side from Fort Worth and actually add it to Senate District 12? And why that particular area? Why was that area selected?

Senator Seliger: Because there was the need to take some people out of Senate District 12 and move them into Senate District 9, and then it had to be repopulated back up to about 811,000. And so, Senate District 12 then came down into Tarrant County.

Senator Davis: And couldn't it have been an alternative decision that less population was shifted from Senate District 12 to Senate District 9, and therefore there wouldn't have been a need to take any population from Senate District 10 to put into Senate District 12?

Senator Seliger: The way that we draw, we decided that there was a need to do so and did it in that fashion.

Senator Davis: And when you were deciding to do it in that fashion, what motivated the decision to draw the line as it was drawn, so that it carved out the area of Fort Worth that is specifically carved out?

Senator Seliger: As it was being designed, and it was being populated, it was just decided to do it that way. It worked mathematically, and it worked in regards to the Spanish surname voter registration.

Senator Davis: And let's talk about Senate District 22. You said Senate District 22 was underpopulated. Senate District 22, of course, abuts a number of other districts. Why did you choose to come into Tarrant County to add population to Senate District 22 versus going in another direction?

Senator Seliger: Because most of the other directions would not have provided 100,000 people. And so, there was an overage in Tarrant County at that point, and so, we put Senate District 22. Keep in mind that an amendment that you offered also had Senate District 22 coming up into Tarrant County, so apparently you thought it suitable, too. The two parts that went into Tarrant County were just in different places in your amendment and in this map.

Senator Davis: And what was it about this particular area that you felt was important to add to Senate District 22. Why that line? Why those communities? Why those precincts?

Senator Seliger: There were 100,000 people that could be identified and the location described by precinct, and so, we just simply put it in that way.

Senator Davis: What do you think that the people of Tarrant County that were carved out and added to Senate District 22 have in common as a community of interest with those that are currently in Senate District 22?

Senator Seliger: I don't know, Senator, what do the people in Lubbock County have in common with the people in Kimble County? They will be represented by the same person. What do the people in Lipscomb County have in common with the people in Loving County? They will be represented by the same people. The people in Orange, Texas, will be represented by people almost up in Tyler. What do they have in common? They're Texans, and they deserve good representation, and they will have it.

Senator Davis: And what do you feel the people in the near north side of Fort Worth have in common, as a community of interest, with Senate District 12, to which they've now been added?

Senator Seliger: I'm not advised.

Senator Davis: Senator Seliger, you asked me a little while ago to describe the shape to you of one of the amendment maps that we presented. And I took the opportunity to go and look at the statewide map as it was drawn, and particularly looking at Harris County and the configurations of those districts there. How would you describe the districts that were drawn there? For Senator Gallegos, for example, what shape would you give that, if you were to label it?

Senator Seliger: It's roughly the shape that it's in now, unless I'm mistaken. It was drastically short of people, and so we had to work upwards and populate it, and populate it very, very carefully. It has a very high Spanish surname voter registration, and we had to maintain that.

Senator Davis: So, sometimes there can be a legitimate purpose behind a map and the shape that it takes in terms of the state's interest in drawing those maps?

Senator Seliger: I'm sorry, I don't understand the question.

Senator Davis: There can be a legitimate purpose for creating an oddly-shaped district.

Senator Seliger: Yes, there can be.

Senator Davis: Thank you.

President: Senator Gallegos, for what purpose do you rise, Sir?

Senator Gallegos: Would the, is this final passage?

President: Yes, Sir, it is.

Senator Gallegos: Thank you, just a comment, Mr. Chairman, Mr. President.

President: You wish to speak on the bill?

Senator Gallegos: I just want to make a comment.

President: You're recognized.

Senator Gallegos: Members, I want to, first of all as Vice-chairman, want to thank Chairman Seliger and all the Members of the Senate Redistricting Committee for their hard work over the past several months. And I rise today to cast an uneasy vote, one that has weighed heavily with me. Senate District 6, which, the district which I represent, will continue to be well represented for years to come because of the map

before us. The facts are, but the facts are there that the 2010 Census figures show an increase in the population for Texas, raising the total number in our state to over 25 million. That growth in population is largely due to Latinos, who now represent 37.6 percent of the Texas population. Where I do not agree with 100 percent of this Senate map, Senate 21 for one, I also oppose the design of Senate Districts 10 and 14. Currently these districts allow minority voters an opportunity to elect their candidates of choice. Under SB 31, they no longer have an effective coalition to display their voting strength. Members, it has taken us decades to reach compromises and accomplish what we currently have, and I vote for my district map for my constituents, but I do not support the map as a whole, believe it is inappropriate for us to respond to our Census numbers with a Senate map that has the capability to reduce the number of districts in which minorities have a clear voice in the outcome. While I will vote "Yes" for the plan, I do so with these concerns about effective minority representation. Thank you Mr. President. And thank you Chairman Seliger.

Senator Seliger: Thank you very much. Mr. President, if I could have a moment. Senator Gallegos and I were named Chairman and Vice-chairman of this Committee back in the summer, and we have worked together, and we went to Washington together to meet with people from Justice Department, Civil Rights Division. It was important that we hear the same things and say the same sort of things. And no Chairman of a committee has had an abler or more willing Vice-chairman. I appreciate his appointment and his help through the process.

President: Senator Lucio, for what purpose do you rise, Sir?

Senator Lucio: To make some final remarks before final passage, Mr. President.

President: You're recognized.

Senator Lucio: Thank you Mr. President. Chairman Seliger, it's always a pleasure to work with you, Sir, and Vice-chairman Gallegos and all the Members of the Redistricting Committee. I know everybody worked pretty hard. And this is a process that happens every 10 years, and most of us really don't want to see happen, to a certain extent, because I know it pits Members and both political parties against each other at times. And it pits political parties sometimes, unfortunately, against each other. But I do want to say this map adequately protects the communities that I represent. However, it, in my opinion, it does not protect the type of communities that I represent in other parts of the state. Minority communities including Weslaco, Alamo, Donna, and Raymondsville in my District will continue to have representation in District 27. However, many minority communities in Dallas and Fort Worth, for example, will not. Residents of Cameron County, which is my home county, and the City of Brownsville, my hometown, find themselves in one senatorial district, District 27. But residents in Travis County and the City of Austin find themselves in four senatorial districts. Members, we're lucky, we are lucky in District 27. And I find myself very fortunate to be in that little corner of the state where I'm both a coastal and border Senator. It is not, it is not possible to slice our communities into Anglo districts anchored in Mexico or the Gulf of Mexico. That's a given. That is not true of

other parts of the state, unfortunately. So, I want to be very clear, I am voting for my community as I vote "Aye" on final passage for Committee Substitute for Senate Bill 31. Thank you very much Mr. President and Members.

President: Thank you Senator Lucio. Senator Ellis, for what purpose do you rise, Sir?

Senator Ellis: Mr. President, I'd like to speak against the bill, with all due respect to Senator Seliger.

President: You're recognized.

Senator Ellis: I do want to compliment you, Senator Seliger, for trying to be fair within the confines of whatever parameters you had to deal with. This process of redistricting is one that I think all of us ought to remember. It is not about drawing our districts because they actually are not our districts. The districts belong to the people that are represented in those districts. And I come from a district that has been represented by the first African American to come to the Texas Senate since Reconstruction, seat that Professor Barbara Jordan had for some time. And I have followed the history of this body long enough to know what those battles were like when she came here. She was elected under the old system. The Voting Rights Act, not Voters Rights I want to point out, the Voting Rights Act gave her the ability to be elected from a district when she went on to the United States Congress. In fact, it's interesting, one of the most significant things she did in Congress was get Texas on the Voting Rights Act. As important as it is, President Johnson didn't put us under it. I think because it was his hope that Texas would resolve these issues on their own. But we came in under the bilingual amendment, and it was Congresswoman Jordan who did that. I have always thought, I don't know, but I've always thought a compromise that she had to make, in order to go to Congress, was essentially agree to lines that would let this body go without an African American in it for a decade. It was roughly a decade before Craig Washington came to this Senate, then, out of Dallas, Eddie Bernice Johnson. And then I came out of Harris County and then Senator West. Here's the point that I think ought to not be lost on us when we do this. It's not just an issue of making sure that there are enough people of color in a district so that the voices of people who have been historically disenfranchised can be heard, it's also important not to pack these districts so that when those voices stand up they're not just talking to themselves. And that's a problem with this map. All of the growth in Texas has been because of minorities, Hispanics. Fastest growing state in the country, four new congressional seats, because, obviously, you do it on the basis of population. They're not stuck at that 31 the way we are. So everybody's happy, both parties, that Texas will have more clout in the United States Congress because of Hispanic growth. Now, look at our districts. We'll get to the congressional map again later. What do people of color get out of it? In my judgment, my district's an example. I have a district that's 80 percent minority. I'd like to think that after having been here for 21 years, maybe some people who happen to not be a minority have found out, hey, this guy's okay. He may not be Barack Obama, but I think we could, we could vote for him. But by packing these districts, and to a great extent I think the map drawers have done that when it was to their advantage, basically for both issues of disenfranchising the voices for people of color and also for partisan reasons, but the Voting Rights Act

does not cover that partisan issue, but in the process of what you may have been trying to accomplish, for both reasons, you end up packing when it worked or you did some cracking when it didn't work. And I submit to you as this goes through the process, when it gets to the Justice Department, I hope they look very closely at that. And I'm going to do as much as I can to encourage them. Now, you don't have to get the long version of my speech because we discussed it, and I'll submit it into the record, but I do want the press, and I want my constituents and anyone within hearing range of my voice, to know my vote to suspend the rules was not a vote to say that I like this map or I agree with this map. I'm going to vote against the bill on final passage. I've told you, if you need me on the backside to get it out of here I'll vote for that because, as much as I may have problems with you, you all look pretty good to me when I consider the Legislative Redistricting Board. So, in short, I want to make that clear. I'm voting for this map. I voted to bring it up having nothing to do with liking it. I don't like it, and I think it's wrong. And I think if the United States Justice Department does its job, they will object to it. And I hope it ends up in court. And then I want to sit down with you, on a friendlier court, maybe we'll be on the same side agreeing then, but I'm convinced that this map disenfranchises the voices of people who have historically been left out of the mainstream of politics and public policymaking in this state. And here, more than in any other state, that argument can be made because all of the growth is because of the growth in our Hispanic population. But, with that being said, I do appreciate the effort in which you put into this. I would hope that if you and I are here a decade from now, the process will be a bit more open, in my judgment, than it was this time. It's not necessarily a criticism of you, it's a criticism of the process. At least the two times I have done it, in my judgment, people from both sides of the aisle, now granted, my side of the aisle was in control, but I had to do my share of fighting with them. So don't take it as just a partisan comment. But I do think, in the past, Members had a clear idea, and that constituents had a clear idea well in advance what the map was, the final map that they would be voting on. And, in my judgment, this was stated earlier in the questioning, but for it to come out, I think you mentioned to me that I was the last person to look at it. I want to state for the record you were kind enough to tell me that, but when I was first given an opportunity to look at it, it was the day before. And I think my constituents, all our constituents would have been better served in this process if they'd had a longer period of time to look at it because if they wanted to submit changes to the map, and they didn't have a Senate and House redistricting staff, they couldn't do that little piece of the puzzle alone and really have a viable chance of making an argument. But, look, thank God it only comes, Mr. Chairman, once a decade. Once is enough. Thank you.

President: Senator Estes, for what purpose do you rise?

Senator Estes: To make a comment before final passage.

President: You're recognized.

Senator Estes: Thank you Mr. President. Chairman Seliger and Senator Gallegos, thank you for what both of you've done on this long process. I want to thank you for your hard work on this map. It's been a long process. I know it's not been easy. I've traveled with you all across the state, and we've listened to suggestions and concerns

from all the citizens of this state. They asked us to draw a map that would give them full and fair representation and treat them equally, regardless of their race, religion, or political views. And I think you've accomplished that, Chairman Seliger. I think you've drawn a map that gives each region of this state the opportunity to elect a representative that reflects its values. I know there may be other people who want to speak so I'll just be brief. The Voting Rights Act is a complicated piece of legislation, and there's a tendency to sling around terms from different portions of it. But at the end of the day, it has two basic requirements. First is that where there is a politically cohesive population of minority citizens living in a compact area that is big enough to dominate a district, we need to draw a district there. Chairman Seliger, your map has done that. Indeed, in some instances it has gone beyond that. The second basic requirement is that on a statewide level the map cannot make it harder for minorities to elect representatives of their choice. Your map has not done that. And so, for these reasons, I commend you for having drawn a fair and legal map, and I'm proud, Chairman Seliger, to support it. Thank you.

President: The Chair recognizes Senator Seliger for a motion.

Senator Seliger: Mr. President, I move final passage of the Committee Substitute to Senate Bill 31.

President: Senator Davis, for what purpose do you rise?

Senator Davis: Thank you, Mr. President, parliamentary inquiry.

President: State your inquiry.

Senator Davis: Earlier this afternoon, the 12 Senators who represent minority-majority districts, or where a majority of the district is comprised of minorities who exercise their voice through those Senate Districts, provided a letter for the record stating the objection of those 12 Senators to the drawing, particularly, of Senate District 10. And I rise simply to inquire as to whether that will be made a formal part of the record for this hearing.

President: Yes, Ma'am. I think you were told earlier that it will, and it will.

Senator Davis: Thank you. Thank you Mr. President.

President: Senator Ellis, for what purpose do you rise?

Senator Ellis: Quick parliamentary inquiry.

President: State your inquiry.

Senator Ellis: Along the same lines. Obviously, the statements that any Member wants to submit for the record will be a part of the record as well.

President: Yes.

Senator Ellis: Thank you.

President: Yes but, they, they need to be in writing and signed. You're recognized for a motion.

Senator Seliger: Oh, I thought I already moved final passage.

President: You may have, and I, I was thinking, alright.

Senator Seliger: But, so move to final passage, Mr. President, thank you.

President: Members, you heard the motion by Senator Seliger. Excuse me, I was looking at who wanted to speak. You've heard the motion by Senator Seliger.

CSSB 31 as amended was finally passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Ellis.

Senator Seliger: Thank you Mr. President, Members.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SECOND DAY

(Wednesday, May 18, 2011)

The Senate met at 11:06 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Denny Henderson, Hill Country Bible Church UT, Austin, offered the invocation as follows:

Father, we recognize today that You are intimately acquainted with our every need and our every challenge. As the psalmist wrote, You have humbled Yourself to know the things of heaven and the things of Earth. (Psalm 113:6) So nothing is a surprise to You, nor are You apathetic toward the affairs of man. We affirm this morning that You have blessed us richly and that every good and perfect gift is from You. We acknowledge both Your goodness in our abundance and Your faithfulness in our challenges. I pray this morning that You will give wisdom to those who lead our great state. As Your elected public servants, may each lead with compassion, conviction, and integrity, placing the good of the people above their own interests. Give them divine wisdom and unity in their decision-making. I pray for their families, who have also sacrificed for the good of others. May Your blessing and comfort be present in their everyday life. Grant each man and woman here this morning the courage to lead the people of Texas honorably. Equip them for complete usefulness and service for others. May they steward their leadership well. We praise You in advance for Your complete faithfulness, and, God, may You bless Texas. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 18, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 716 (141 Yeas, 1 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 2694 (non-record vote)

House Conferees: Smith, Wayne - Chair/Bonnen/Burnam/Chisum/Geren

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 92

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 82nd Legislature, the house hereby returns house bill 92 to the senate for further consideration due to non germane amendments.

HB 370

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, 82nd Legislature, the house hereby returns house bill 370 to the senate for further consideration due to non germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Love D. Paul of Austin as the Physician of the Day.

The Senate welcomed Dr. Paul and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 918

Senator Watson offered the following resolution:

SR 918, Recognizing Rosalio "Rabbit" Duran for his contributions to East Austin.

The resolution was again read.

The resolution was previously adopted on Wednesday, May 4, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Rosalio "Rabbit" Duran, Ryan Duran, Catherine Ferrell, Angela Duran Hood, and Mary Duran.

The Senate welcomed its guests.

SENATE RESOLUTIONS

Senator West offered the following resolutions:

SR 989, Congratulating Rasheed Jamal Furlow on achieving the rank of Eagle Scout.

The resolution was read.

SR 990, Congratulating Edmund Kyle English on achieving the rank of Eagle Scout.

The resolution was read.

SR 991, Congratulating Daijon Mitchell on achieving the rank of Eagle Scout.

The resolution was read.

SR 989, **SR 990**, and **SR 991** were adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Eagle Scouts, Rasheed Jamal Furlow, Edmund Kyle English, and Daijon Mitchell, joined by Boy Scout leaders, Jami Hayes and Joe Hayes.

The Senate welcomed its guests.

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 14, **SB 118**, **SB 132**, **SB 328**, **SB 420**, **SB 977**, **SB 1125**, **SB 1353**, **SB 1693**, **SCR 25**.

SENATE CONCURRENT RESOLUTION 50

The Presiding Officer laid before the Senate the following resolution:

SCR 50, Congratulating Bobby R. Inman for receiving the Joe M. Kilgore Award for Public Service.

WATSON

The resolution was again read.

The resolution was previously adopted on Monday, May 2, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Greater Austin Crime Commission delegation: Joe Holt, Director and Past President; Bobby R. Inman, Director and Past President; Kenny Jastrow, Director; Ralph Wayne, co-founder, Director, and Past President; and Cary Roberts, Executive Director; accompanied by Crime Commission Directors and students from the Longhorn Leaders program.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate daughters of former Governor Dolph Briscoe: Janey Briscoe Marmion and Cele Briscoe Carpenter.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate an Innocence Project of Texas delegation: exoneree, Johnny Pinchback; Natalie Roetzel, attorney; and Cory Session, member.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate students from Travis Elementary School of Mineral Wells, accompanied by their teacher, Cody Jordan.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate business members of the Dallas Black Chamber of Commerce.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Deuell.

Senator Deuell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Commissioners, Board of Pilot Commissioners for Galveston County Ports: Edward Alois Janek, Galveston County; Henry Stephen Porretto, Galveston County; Linda Raedene Rounds, Galveston County; James Earl Toups, Galveston County.

Member, Board of Directors, Brazos River Authority: Henry William Munson, Brazoria County.

Member, Coastal Coordination Council: Jerry A. Mohn, Galveston County.

Members, Family and Protective Services Council: Patricia B. Cole, Tarrant County; Anna Maria Jimenez-Martinez, Nueces County; Benny W. Morris, Johnson County.

Members, Governing Board, Texas School for the Deaf: Jean F. Andrews, Jefferson County; Shalia H. Cowan, Hays County; Tyran Paul Lee, Harris County; Connie Fay Sefcik-Kennedy, Travis County.

Members, Board of Directors, Lavaca-Navidad River Authority: Jerry Lynn Adelman, Matagorda County; David Martin Muegge, Jackson County.

Member, Board of Directors, Lower Colorado River Authority: Sandra Lea Wright Kibby, Comal County.

Commissioner, Pecos River Compact Commission: Fredrick A. Rylander, Pecos County.

Members, State Securities Board: David Alan Appleby, El Paso County; Greg Alan Waldrop, Travis County.

Members, Texas Board of Architectural Examiners: Debra J. Dockery, Bexar County; Paula Ann Miller, Montgomery County; Sonya B. Odell, Dallas County.

Members, Texas Board of Professional Land Surveying: Mary Ellen Chruszczak, Montgomery County; Gerardo M. Garcia, Nueces County; Paul Pong Kin Kwan, Harris County.

Members, Texas Commission on the Arts: Rita Esther Baca, El Paso County; Dale Wills Brock, Wichita County; Linda Lowes Hatchel, McLennan County; Patty Hayes Huffines, Travis County; Liza Billups Lewis, Bexar County; Jacoba-Jetske S. Russell, Dallas County; Stephanie Shawn Stephens, Harris County.

Members, Texas Farm and Ranch Lands Conservation Council: Pamela Jean McAfee, Hays County; George David Scott, Fort Bend County.

Members, Texas Higher Education Coordinating Board: Durga D. Agrawal, Harris County; Dennis Donia Golden, Panola County; Harold Wayne Hahn, El Paso County.

Members, Board of Directors, Trinity River Authority of Texas: Harold Lynn Barnard, Ellis County; William W. Collins, Tarrant County; Christina Melton Crain, Dallas County; Michael Cronin, Kaufman County; Steve Wayne Cronin, San Jacinto County; Amanda Boswell Davis, Leon County; Martha Ann Hernandez, Tarrant County; Dennis Joe McCleskey, Trinity County; J. Carol Spillers, Madison County.

**COMMITTEE SUBSTITUTE
HOUSE BILL 417 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSHB 417** at this time on its second reading:

CSHB 417, Relating to claims for compensation for wrongful imprisonment.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Carona.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 417** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended to read as follows:

SUBCHAPTER A. ELIGIBILITY; NOTICE OF ELIGIBILITY [AND CHOICE OF
COMPENSATION METHOD]

SECTION 2. Section 103.001, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A person is entitled to compensation if:

(1) the person has served in whole or in part a sentence in prison under the laws of this state; and

(2) the person:

(A) has received a full pardon on the basis of innocence for the crime for which the person was sentenced; ~~or~~

(B) has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or

(C) has been granted relief in accordance with a writ of habeas corpus
and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced [on the basis of actual innocence of the crime for which the person was sentenced].

(d) Subject to this section, a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department. This subsection does not entitle the person's spouse or other dependent or family member to group health benefit plan coverage. Coverage may be obtained under this subsection for a period of time equal to the total period the claimant served for the

crime for which the claimant was wrongfully imprisoned, including any period during which the claimant was released on parole or to mandatory supervision or required to register under Chapter 62, Code of Criminal Procedure. A person who elects to obtain coverage under this subsection shall pay a monthly contribution equal to the total amount of the monthly contributions for that coverage for an employee of the department.

(e) Notwithstanding Section 103.053(c), annuity payments may be reduced by an amount necessary to make the payments required by Subsection (d), and that amount shall be transferred to an appropriate account as provided by the comptroller by rule to fund that coverage.

SECTION 3. Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended by adding Section 103.002 to read as follows:

Sec. 103.002. NOTICE TO WRONGFULLY IMPRISONED PERSON. (a) In this section:

(1) "Department" means the Texas Department of Criminal Justice.

(2) "Penal institution" has the meaning assigned by Article 62.001, Code of Criminal Procedure.

(3) "Wrongfully imprisoned person" has the meaning assigned by Section 501.091, Government Code, as added by Chapter 1389 (S.B. 1847), Acts of the 81st Legislature, Regular Session, 2009.

(b) The department shall provide to each wrongfully imprisoned person information, both orally and in writing, that includes:

(1) guidance on how to obtain compensation under this chapter; and

(2) a list of and contact information for nonprofit advocacy groups, identified by the department, that assist wrongfully imprisoned persons in filing claims for compensation under this chapter.

(c) The department must provide the information required under Subsection (b):

(1) at the time of the release of the wrongfully imprisoned person from a penal institution; or

(2) as soon as practicable after the department has reason to believe that the person is entitled to compensation under Section 103.001(a).

SECTION 4. Section 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. A person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B not ~~[Not]~~ later than the third anniversary of the date:

(1) the person on whose imprisonment the claim is based received a ~~[the]~~ pardon as provided by Section 103.001(a)(2)(A);

(2) the person's application for a writ of habeas corpus was granted as provided by Section 103.001(a)(2)(B); or

(3) an order of dismissal described by Section 103.001(a)(2)(C) was signed ~~[was granted relief as required by Section 103.001, a person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B].~~

SECTION 5. Section 103.051, Civil Practice and Remedies Code, is amended by amending Subsections (a), (b-1), and (d) and adding Subsection (f) to read as follows:

(a) To apply for compensation under this subchapter, the claimant must file with the comptroller's judiciary section:

(1) an application for compensation provided for that purpose by the comptroller;

(2) a verified copy of the pardon, ~~or~~ court order, motion to dismiss, and affidavit, as applicable, justifying the application for compensation;

(3) a statement provided by the Texas Department of Criminal Justice and any county or municipality that incarcerated the person on whose imprisonment the claim is based in connection with the relevant sentence verifying the length of incarceration;

(4) if applicable, a statement from the Department of Public Safety verifying registration as a sex offender and length of registration;

(5) if applicable, a statement from the Texas Department of Criminal Justice verifying the length of time spent on parole; and

(6) if the claimant is applying for compensation under Section 103.052(a)(2), a certified copy of each child support order under which child support payments became due during the time the claimant served in prison and copies of the official child support payment records described by Section 234.009, Family Code, for that period.

(b-1) In determining the eligibility of a claimant, the comptroller shall consider only the verified copies of documents ~~[copy of the pardon or court order]~~ filed ~~[by the claimant]~~ under Subsection (a)(2) [(a)]. If the filed documents do ~~[pardon or court order does]~~ not clearly indicate on their ~~[its]~~ face that the person is entitled to compensation under Section 103.001(a)(2) ~~[pardon or the court order was granted or rendered on the basis of the claimant's actual innocence of the crime for which the claimant was sentenced]~~, the comptroller shall deny the claim. The comptroller's duty to determine the eligibility of a claimant under this section is purely ministerial.

(d) If the comptroller denies the claim, the comptroller must state the reason for the denial. Not later than the 30th ~~[40th]~~ day after the date the denial is received, the claimant must submit an application to cure any problem identified. Not later than the 45th day after the date an application is received under this subsection, the comptroller shall determine the claimant's eligibility and the amount owed.

(f) To apply for coverage through the Texas Department of Criminal Justice under Section 103.001(d), the claimant must file with the department:

(1) an application for coverage provided for that purpose by the department; and

(2) a statement by the comptroller that the comptroller has determined the claimant to be eligible for compensation under this subchapter.

SECTION 6. Section 103.054, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.054. PAYMENT OF CERTAIN TUITION AND FEES. If requested by the claimant before the seventh anniversary of the relevant date described by Section 103.003 ~~[the claimant received the pardon or was granted relief as required by Section~~

~~103.001~~], tuition for up to 120 credit hours, including tuition charged under Section 54.0513, Education Code, or any other law granting an educational institution discretion to set the tuition rate, and any mandatory fees associated with attendance at the institution, charged by a career center or public institution of higher education shall be paid on behalf of the claimant.

SECTION 7. Chapter 103, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. FEES

Sec. 103.101. FEES LIMITED; PREREQUISITES TO FEE AGREEMENT.

(a) A person, including an attorney, may not charge or collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 unless the fee is based on a reasonable hourly rate.

(b) An attorney may enter into a fee agreement with a claimant for services related to an application under Section 103.051 only after the attorney has disclosed in writing to the claimant the hourly rate that will be charged for the services.

(c) An attorney may not collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 before a final determination is made by the comptroller that the claimant is eligible or ineligible for compensation under this chapter.

Sec. 103.102. SUBMISSION OF FEE REPORT. (a) Together with an application for compensation under this chapter or not later than the 14th day after the date the application or cured application is filed, a person seeking payment for preparing, filing, or curing the application must file a fee report with the comptroller's judiciary section.

(b) A fee report under this section must include:

(1) the total dollar amount sought for fees;

(2) the number of hours the person worked preparing, filing, or curing the application; and

(3) the name of the applicant.

(c) A fee report under this section is public information subject to Chapter 552, Government Code.

SECTION 8. Section 501.091, Government Code, as added by Chapter 1389 (S.B. 1847), Acts of the 81st Legislature, Regular Session, 2009, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In this section, "wrongfully imprisoned person" means a person who:

(1) has served in whole or in part a sentence in a facility operated by or under contract with the department; and

(2) has:

(A) received a pardon for innocence for the crime for which the person was sentenced; ~~or~~

(B) been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or

(C) been granted relief in accordance with a writ of habeas corpus and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced [~~otherwise been granted relief on the basis of actual innocence of the crime for which the person was sentenced~~].

(d) The department shall provide information to wrongfully imprisoned persons as required by Section 103.002, Civil Practice and Remedies Code.

SECTION 9. Subchapter C, Chapter 1551, Insurance Code, is amended by adding Section 1551.115 to read as follows:

Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED PERSONS. Subject to Section 103.001, Civil Practice and Remedies Code, a person who is entitled to compensation under Chapter 103, Civil Practice and Remedies Code, is eligible to obtain health benefit plan coverage under the group benefits program in the manner and to the extent that an employee of the Texas Department of Criminal Justice would be entitled to coverage, except that this section does not entitle the person's spouse or other dependent or family member to coverage.

SECTION 10. Section 501.091(a), Government Code, as added by Chapter 180 (H.B. 1736), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 11. Section 103.001(a)(2)(C), Civil Practice and Remedies Code, as added by this Act, applies to a person who has received an order of dismissal signed on or after September 1, 2009.

SECTION 12. Sections 103.001(d) and (e) and 103.051(f), Civil Practice and Remedies Code, and Section 1551.115, Insurance Code, as added by this Act, apply to a person the comptroller of public accounts has determined to be eligible for compensation as provided by Section 103.051(b), Civil Practice and Remedies Code, on or after September 1, 2011.

SECTION 13. Subchapter C, Chapter 103, Civil Practice and Remedies Code, as added by this Act, applies only to an attorney's fee agreement entered into on or after January 1, 2012. An attorney's fee agreement entered into before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

The amendment to **CSHB 417** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Carona.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 417 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Carona.

**COMMITTEE SUBSTITUTE
HOUSE BILL 417 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1425 ON THIRD READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1425** at this time on its third reading and final passage:

CSSB 1425, Relating to an account for construction retainage; providing a civil penalty.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Patrick, Shapiro, Uresti.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Patrick, Seliger, Shapiro, Uresti.

**COMMITTEE SUBSTITUTE
SENATE BILL 1916 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1916** at this time on its second reading:

CSSB 1916, Relating to the creation of the Southeast Travis County Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1916 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1916** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 252 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 252** at this time on its second reading:

CSHB 252, Relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 252** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 11.432, Tax Code, is amended to read as follows:

Sec. 11.432. HOMESTEAD EXEMPTION FOR MANUFACTURED HOME.

(a) Except as provided by Subsection (a-1), for [For] a manufactured home to qualify as a residence homestead [for an exemption] under Section 11.13, the application for [the] exemption required by Section 11.43 must be accompanied by:

(1) a copy of the statement of ownership and location for the manufactured home issued by the manufactured housing division of the Texas Department of Housing and Community Affairs under Section 1201.207, Occupations Code, showing that the individual applying for the exemption is the owner of the manufactured home;

(2) a [or be accompanied by a verified] copy of the purchase contract or payment receipt showing that the applicant is the purchaser of the manufactured home; or

(3) a sworn affidavit by the applicant stating that:

(A) the applicant is the owner of the manufactured home;

(B) the seller of the manufactured home did not provide the applicant

with a purchase contract; and

(C) the applicant could not locate the seller after making a good faith effort~~[, unless a photostatic copy of the current title page for the home is displayed on the computer website of the Texas Department of Housing and Community Affairs].~~

(a-1) An [The] appraisal district may rely upon the computer records of the Texas Department of Housing and Community Affairs to verify an applicant's ownership of a manufactured home. An applicant is not required to submit an accompanying document described by Subsection (a) if the appraisal district verifies the applicant's ownership under this subsection ~~[determine whether a manufactured home qualifies for an exemption].~~

(b) The land on which a manufactured home is located qualifies as a residence homestead ~~[for an exemption]~~ under Section 11.13 only if:

(1) the land is owned by one or more individuals, including the applicant ~~[manufactured home qualifies for an exemption as provided by Subsection (a)]; [and]~~

(2) the applicant occupies the manufactured home as the applicant's principal residence; and

(3) the applicant demonstrates ownership of the manufactured home under Subsection (a) or the appraisal district determines the applicant's ownership under Subsection (a-1) ~~[manufactured home is listed together with the land on which it is located under Section 25.08].~~

(c) The owner of land that qualifies as a residence homestead under this section ~~[consumer]~~ is entitled to obtain the homestead exemptions provided by Section 11.13 and any other benefit granted under this title to the owner of a residence homestead regardless of whether the applicant ~~[owner]~~ has elected to treat the manufactured home as real property or personal property and regardless of whether the manufactured home is listed on the tax rolls with the real property to which it is attached or listed on the tax rolls separately.

(d) [(e)] In this section, "manufactured home" has the meaning assigned by Section 1201.003, Occupations Code.

(b) Section 25.08, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) The chief appraiser shall apportion a residence homestead exemption for property consisting of land and a manufactured home listed separately on the tax roll on a pro rata basis based on the appraised value of the land and the manufactured home.

(c) Section 11.432, Tax Code, as amended by this Act, applies only to an application for a residence homestead exemption filed on or after the effective date of this section. An application filed before the effective date of this section is governed by the law in effect when the application was filed, and that law is continued in effect for that purpose.

(d) Section 25.08, Tax Code, as amended by this Act, applies only to an apportionment of a residence homestead exemption for a tax year beginning on or after the effective date of this section.

(e) This section takes effect January 1, 2012.

(2) In SECTION 2 of the bill, between "Act" and "applies" (page 1, line 58), insert "to Section 11.43, Tax Code,".

(3) In SECTION 3 of the bill (page 2, line 2), strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

The amendment to **CSHB 252** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 252 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 252 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 252** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1899 ON SECOND READING**

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **CSHB 1899** at this time on its second reading:

CSHB 1899, Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

The motion prevailed.

Senator Hegar asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Hegar.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1899 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 901 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 901** at this time on its second reading:

HB 901, Relating to spousal maintenance.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 901 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 901** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

HOUSE JOINT RESOLUTION 130 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHJR 130** at this time on its second reading:

CSHJR 130, Meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.

The resolution was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE

HOUSE JOINT RESOLUTION 130 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHJR 130** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Birdwell submitted the following statement of legislative intent for **CSHJR 130**:

Mr. President and Members, last October the U.S. Department of Education adopted new regulations to clarify the role of the States in assuring the integrity of federal student aid programs. These new regulations will go into effect on July 1, 2011. For an institution to be eligible to participate in federal financial aid programs, the regulations require institutions be "established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action issued by an appropriate State agency or State entity and is authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate." All public institutions are established in this manner, but few private institutions are named in any statute or state document. Years ago, private or independent colleges and universities were granted charters by the Congress of the Republic of Texas, the Texas Legislature or the Texas Secretary of State at various points in Texas history. Furthermore, those institutions chartered in the 19th or 20th centuries have modernized their original documents by filing new Articles of Incorporation with the Secretary of State. Because the Federal regulations require institutions to be established by "a state action" and "by name," it is difficult to determine what private institutions must do to prove they are "authorized to operate." If a new institution were being created now, it would file Articles of Incorporation as college or university with the Secretary of State and, at the appropriate time, seek a certificate of authority to grant degrees from the Coordinating Board (THECB). After the Coordinating Board's review that institution would be given a certificate of authority to grant degrees. The certificate would have the institution's name on it. That would meet the Federal requirement. Our independent institutions are not new. For many years, they have been accredited by accrediting bodies the Coordinating Board recognizes. Under Texas law that long-term accreditation exempts them from the Coordinating Board's certificate process. All of the institutions eligible to participate in federal financial aid programs have reached this exempt status. At this point it appears the most efficient way to validate the status of Texas independent institutions in the eyes of the U.S. Department of Education is for the Legislature to act to inform them these institutions are authorized to provide postsecondary education and to grant degrees and certificates by listing them by name and citing the ways such institutions meet the October 2010 regulations. We propose to do this by joint resolution since that requires a two-thirds majority and should be an adequate demonstration of "state action."

BIRDWELL

REMARKS ORDERED PRINTED

On motion of Senator Birdwell and by unanimous consent, the remarks by Senators Birdwell and Huffman regarding **CSHJR 130** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Huffman: Senator Birdwell, do I understand you are proposing a joint resolution?

Senator Birdwell: Yes, Senator, I am.

Senator Huffman: Don't we normally reserve joint resolutions for a few very important matters?

Senator Birdwell: Yes, Senator, we use joint resolutions to amend the Texas Constitution, to ratify an amendment to the United States Constitution, or to request a constitutional convention to propose amendments to the United States Constitution. We may never have used a joint resolution for anything other than those three things.

Senator Huffman: So why are we going beyond our usual practice and using a joint resolution for this?

Senator Birdwell: Well, Senator, the United States Department of Education adopted regulations requiring states to do certain things to assure the integrity of federal student aid programs. One of the regulations requires colleges be established by name as an educational institution by a state to operate educational programs beyond secondary education, including programs leading to a degree or certificate. The Texas Education Code creates all public colleges and universities by name and establishes their degree-granting authority. While we set standards in the Education Code to describe which colleges and universities qualify as private or independent institutions of higher education, we do not name them in law. In fact, naming them in the Code is not really desirable. So this Legislature must take an action that names the private or independent colleges and universities that meet the Texas Education Code's standards to be operating and granting degrees to comply with those federal regulations. We chose a joint resolution to do this because a two-thirds vote of each house of the Legislature is required to pass a joint resolution. We set a high bar to pass this measure so the Department of Education would know we took a significant state action, comparable to ratifying an amendment to the U.S. Constitution or requesting a constitutional convention, to assure Texas institutions were authorized to teach and grant degrees. Meeting these regulations is so important to Texas and to our private institutions we took an extraordinary action, one requiring even more than the simple majority needed to pass a bill, to meet them.

Senator Huffman: What was the vote in the House on this HJR?

Senator Birdwell: It was 145 "Ayes" to 0 "Nays."

Senator Huffman: Just one more question, Senator. Haven't most of these institutions been around for a long time?

Senator Birdwell: Yes, the youngest is about 25 years old; the oldest was founded well before the Civil War.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate Frank Tejada Middle School students.

The Senate welcomed its guests.

HOUSE BILL 423 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 423** at this time on its second reading:

HB 423, Relating to the powers of rural and urban transit districts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 423 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 423** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3234 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3234** at this time on its second reading:

HB 3234, Relating to the prioritization of requests to release certain case records maintained by the Department of Family and Protective Services.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3234 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3234** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 555 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 555** at this time on its second reading:

HB 555, Relating to reportable boating accidents and the penalties for certain boating accidents.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 555 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 555** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 215 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 215** at this time on its second reading:

HB 215, Relating to photograph and live lineup identification procedures in criminal cases.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 215 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 215** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2851 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2851** at this time on its second reading:

HB 2851, Relating to deferral of certain surcharge payments for military personnel deployed outside of the continental United States.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2851 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2851** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2973 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2973** at this time on its second reading:

CSHB 2973, Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2973 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2973** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2007 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2007** at this time on its second reading:

HB 2007, Relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2007 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2007** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2342 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2342** at this time on its second reading:

HB 2342, Relating to certain violations of and offenses under The Securities Act; providing penalties.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2342 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2342** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Watson submitted the following statement of legislative intent for **HB 2342**:

HB 2342 reconciles the administrative, criminal and civil authority and remedies previously granted by the Legislature to The Securities Board and Securities Commissioner with other provisions of law. The bill does not provide a wholesale expansion of the powers of the Securities Board or the Securities Commissioner. HB 2342 does not alter the existing definitions of "investment adviser" or "investment advisor representative." Under current law, the terms "investment adviser" and "investment advisor representative" are defined terms in the Texas Securities Act and those existing definitions do not include persons who advise another as to the value of, or who issue or adopt analyses or reports concerning, financial products that are not securities. By definition, the investment adviser's services are already limited to activities relating to securities. However, if the advice, analyses or report involves both securities and financial products that are not securities, the services relating to securities, regardless of the percentage of those services relative to the total services provided, would be subject to the provisions of the Texas Securities Act.

WATSON

HOUSE BILL 2170 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2170** at this time on its second reading:

HB 2170, Relating to assisting a foster child in obtaining the child's credit report.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2170** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS accordingly:

SECTION ____ Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.007 to read as follows:

Sec. 263.007. FOSTER CHILDREN'S BILL OF RIGHTS. (a) In this section:

(1) "Agency foster group home," "agency foster home," "facility," "foster group home," and "foster home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) "Foster care" means the placement of a child who is in the conservatorship of the department or an authorized agency and in care outside the child's home in an agency foster group home, agency foster home, foster group home, foster home, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

(3) "Foster children's bill of rights" means the rights described by Subsection (b).

(b) It is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:

(1) abuse, neglect, exploitation, discrimination, and harassment;

(2) food, clothing, shelter, and education;

(3) medical, dental, vision, and mental health services, including the right of the child to consent to treatment;

(4) emergency behavioral intervention, including what methods are permitted, the conditions under which it may be used, and the precautions that must be taken when administering it;

(5) placement with the child's siblings and contact with members of the child's family;

(6) privacy and searches, including the use of storage space, mail, and the telephone;

(7) participation in school-related extracurricular or community activities;

(8) interaction with persons outside the foster care system, including teachers, church members, mentors, and friends;

(9) contact and communication with caseworkers, attorneys ad litem, guardians ad litem, and court-appointed special advocates;

(10) religious services and activities;

(11) confidentiality of the child's records;

(12) job skills, personal finances, and preparation for adulthood;

(13) participation in a court hearing that involves the child;

(14) participation in the development of service and treatment plans;

(15) if the child has a disability, the advocacy and protection of the rights of a person with that disability; and

(16) any other matter affecting the child's ability to receive care and treatment in the least restrictive environment that is most like a family setting, consistent with the best interests and needs of the child.

(c) The department shall provide a written copy of the foster children's bill of rights to each child placed in foster care in the child's primary language, if possible, and shall inform the child of the rights described by the foster children's bill of rights:

(1) orally in the child's primary language, if possible, and in simple, nontechnical terms; or

(2) for a child who has a disability, including an impairment of vision or hearing, through any means that can reasonably be expected to result in successful communication with the child.

(d) A child placed in foster care may, at the child's option, sign a document acknowledging the child's understanding of the foster children's bill of rights after the department provides a written copy of the foster children's bill of rights to the child and informs the child of the rights described by the foster children's bill of rights in accordance with Subsection (c). If a child signs a document acknowledging the child's understanding of the foster children's bill of rights, the document must be placed in the child's case file.

(e) An agency foster group home, agency foster home, foster group home, foster home, or other facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.

(f) The department shall promote the participation of foster children and former foster children in educating other foster children about the foster children's bill of rights.

(g) The department shall develop and implement a policy for receiving and handling reports that the rights of a child in foster care are not being observed. The department shall inform a child in foster care and, if appropriate, the child's parent, managing conservator, or guardian of the method for filing a report with the department under this subsection.

(h) This section does not create a cause of action.

The amendment to **HB 2170** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2170 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2170 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2170** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3051 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3051** at this time on its second reading:

HB 3051, Relating to the provision of child care by certain facilities exempt from child-care licensing requirements.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3051 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3051** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3302 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3302** at this time on its second reading:

HB 3302, Relating to the authority of certain Type A economic development corporations to undertake certain categories of projects.

The bill was read second time.

Senator Hegar, on behalf of Senator Hinojosa, offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3302** (Senate Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 504.103(a), Local Government Code, is amended to read as follows:

(a) Except as otherwise provided by this section, a Type A corporation may not undertake a project the primary purpose of which is to provide:

- (1) [~~a transportation facility~~;
- [~~2~~] a solid waste disposal facility;
- (2) [~~3~~] a sewage facility;
- (3) [~~4~~] a facility for furnishing water to the general public; or
- (4) [~~5~~] an air or water pollution control facility.

The amendment to **HB 3302** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3302 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3302 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3302** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 3342 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3342** at this time on its second reading:

CSHB 3342, Relating to representation of and by the state and joinder of the state in certain mental health proceedings.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 3342 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3342** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 3510 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSHB 3510** at this time on its second reading:

CSHB 3510, Relating to the regulation of the towing, booting, and storage of vehicles.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Nichols.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3510 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3510** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 647 WITH HOUSE AMENDMENT

Senator Hegar called **SB 647** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 647** immediately following the enacting clause (house committee printing, page 1, between lines 4 and 5), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 501.002, Insurance Code, is amended to read as follows:

Sec. 501.002. OFFICE OF PUBLIC INSURANCE COUNSEL. The independent office of public insurance counsel represents the interests of insurance consumers in this state and assists the commissioner in ensuring that:

(1) rates for and coverage under insurance products offered in this state:

(A) are fair and reasonable to insurers, agents, and consumers; and

(B) are not confiscatory to insurers and agents; and

(2) insurance products are reasonably available to consumers in all parts of this state.

The amendment was read.

Senator Hegar moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 647** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hegar, Chair; Huffman, Birdwell, Uresti, and Nelson.

CONFERENCE COMMITTEE ON HOUSE BILL 1112

Senator Nichols called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1112** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1112** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Williams, Shapiro, Rodriguez, and Watson.

SENATE BILL 602 WITH HOUSE AMENDMENTS

Senator Rodriguez called **SB 602** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1305 to read as follows:

Sec. 552.1305. EXCEPTION: CERTAIN PERSONAL INFORMATION FROM TRAFFIC VIOLATION RECORDS. Information contained in a citation issued for a violation of a state traffic law or local traffic ordinance is excepted from the requirements of Section 552.021 if the information is the home address or personal telephone number of the person who is the subject of a citation.

Floor Amendment No. 2

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 51.217, Education Code, is amended by adding Subsection (g) to read as follows:

(g) The personal information of an individual maintained in an institution's emergency notification system is confidential and is not subject to disclosure under Chapter 552, Government Code. In this subsection, "personal information" includes an e-mail address or telephone number maintained in order to notify an individual of an emergency.

Floor Amendment No. 3

Amend **SB 602** (house committee report) as follows:

(1) On page 1, between lines 6 and 7, insert the following:

SECTION 1. The heading to Section 552.130, Government Code, is amended to read as follows:

Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE RECORDS.

(2) On page 4, line 18, strike "552.263" and substitute "552.022, 552.263,".

(3) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 552.022, Government Code, is amended to read as follows:

Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES. (a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or ~~[unless they are expressly confidential under]~~ other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108;

(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body;

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body;

(4) the name of each official and the final record of voting on all proceedings in a governmental body;

(5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate;

(6) the name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Chapter 151, Tax Code;

(7) a description of an agency's central and field organizations, including:

(A) the established places at which the public may obtain information, submit information or requests, or obtain decisions;

(B) the employees from whom the public may obtain information, submit information or requests, or obtain decisions;

(C) in the case of a uniformed service, the members from whom the public may obtain information, submit information or requests, or obtain decisions; and

(D) the methods by which the public may obtain information, submit information or requests, or obtain decisions;

(8) a statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures;

(9) a rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;

(10) a substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency;

(11) each amendment, revision, or repeal of information described by Subdivisions (7)-(10);

(12) final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases;

(13) a policy statement or interpretation that has been adopted or issued by an agency;

(14) administrative staff manuals and instructions to staff that affect a member of the public;

(15) information regarded as open to the public under an agency's policies;

(16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;

(17) information that is also contained in a public court record; and

(18) a settlement agreement to which a governmental body is a party.

(b) A court in this state may not order a governmental body or an officer for public information to withhold from public inspection any category of public information described by Subsection (a) or to not produce the category of public information for inspection or duplication, unless the category of information is [~~expressly made~~] confidential under this chapter or other law.

SECTION _____. The heading to Section 552.102, Government Code, is amended to read as follows:

Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONNEL INFORMATION.

SECTION _____. The heading to Section 552.109, Government Code, is amended to read as follows:

Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

SECTION _____. The heading to Section 552.110, Government Code, is amended to read as follows:

Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS; CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

SECTION _____. The heading to Section 552.113, Government Code, is amended to read as follows:

Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR GEOPHYSICAL INFORMATION.

SECTION _____. The heading to Section 552.114, Government Code, is amended to read as follows:

Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT RECORDS. SECTION _____. The heading to Section 552.115, Government Code, is amended to read as follows:

Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND DEATH RECORDS.

SECTION _____. The heading to Section 552.117, Government Code, is amended to read as follows:

Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND PERSONAL FAMILY INFORMATION.

SECTION _____. The heading to Section 552.118, Government Code, is amended to read as follows:

Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL PRESCRIPTION FORM.

SECTION _____. The heading to Section 552.119, Government Code, is amended to read as follows:

Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN PHOTOGRAPHS [PHOTOGRAPH] OF PEACE OFFICERS [OFFICER].

SECTION _____. The heading to Section 552.120, Government Code, is amended to read as follows:

Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE BOOKS AND ORIGINAL MANUSCRIPTS.

SECTION _____. The heading to Section 552.121, Government Code, is amended to read as follows:

Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN DOCUMENTS HELD FOR HISTORICAL RESEARCH.

SECTION _____. The heading to Section 552.123, Government Code, is amended to read as follows:

Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.1235, Government Code, is amended to read as follows:

Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.124, Government Code, is amended to read as follows:

Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF LIBRARY OR LIBRARY SYSTEM.

SECTION _____. The heading to Section 552.126, Government Code, is amended to read as follows:

Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.127, Government Code, is amended to read as follows:

Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATION.

SECTION _____. The heading to Section 552.128, Government Code, is amended to read as follows:

Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

SECTION _____. The heading to Section 552.129, Government Code, is amended to read as follows:

Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE INSPECTION INFORMATION.

SECTION _____. The heading to Section 552.131, Government Code, is amended to read as follows:

Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN ECONOMIC DEVELOPMENT INFORMATION.

SECTION _____. The heading to Section 552.133, Government Code, is amended to read as follows:

Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER UTILITY COMPETITIVE MATTERS.

SECTION _____. The heading to Section 552.134, Government Code, is amended to read as follows:

Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

SECTION _____. The heading to Section 552.135, Government Code, is amended to read as follows:

Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION HELD BY SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.138, Government Code, is amended to read as follows:

Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.

SECTION _____. The heading to Section 552.139, Government Code, is amended to read as follows:

Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR COMPUTERS.

SECTION _____. The heading to Section 552.140, Government Code, is amended to read as follows:

Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY DISCHARGE RECORDS.

SECTION _____. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

SECTION _____. The heading to Section 552.145, Government Code, is amended to read as follows:

Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL LIST.

SECTION _____. The heading to Section 552.148, Government Code, is amended to read as follows:

Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A MINOR.

SECTION _____. The heading to Section 552.149, Government Code, is amended to read as follows:

Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

SECTION _____. The heading to Section 552.150, Government Code, is amended to read as follows:

Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL DISTRICT.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION REGARDING SELECT AGENTS.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

(4) Renumber the SECTIONS of the bill accordingly.

The amendments were read.

Senator Rodriguez moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 602** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Rodriguez, Chair; Uresti, Gallegos, Wentworth, and Eltife.

HOUSE BILL 1573 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1573** at this time on its second reading:

HB 1573, Relating to certain pretrial and post-trial procedures in a criminal case.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1573** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 64.01, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) In this section, "biological material":

(1) means an item that is in possession of the state and that contains blood, semen, hair, saliva, skin tissue or cells, fingernail scrapings, bone, bodily fluids, or other identifiable biological evidence that may be suitable for forensic DNA testing; and

(2) includes the contents of a sexual assault evidence collection kit.

(a-1) A convicted person may submit to the convicting court a motion for forensic DNA testing of evidence containing biological material. The motion must be accompanied by an affidavit, sworn to by the convicted person, containing statements of fact in support of the motion.

(b) The motion may request forensic DNA testing only of evidence described by Subsection (a-1) ~~[(a)]~~ that was secured in relation to the offense that is the basis of the challenged conviction and was in the possession of the state during the trial of the offense, but:

(1) was not previously subjected to DNA testing[;:

~~[(A) because DNA testing was:~~

~~[(i) not available; or~~

~~[(ii) available, but not technologically capable of providing~~

~~probative results; or~~

~~[(B) through no fault of the convicted person, for reasons that are of a nature such that the interests of justice require DNA testing]; or~~

(2) although previously subjected to DNA testing, can be subjected to testing with newer testing techniques that provide a reasonable likelihood of results that are more accurate and probative than the results of the previous test.

SECTION _____. Chapter 64, Code of Criminal Procedure, is amended by adding Article 64.035 to read as follows:

Art. 64.035. UNIDENTIFIED DNA PROFILES. If an analyzed sample meets the applicable requirements of state or federal submission policies, on completion of the testing under Article 64.03, the convicting court shall order any unidentified DNA profile to be compared with the DNA profiles in:

(1) the DNA database established by the Federal Bureau of Investigation;
and
(2) the DNA database maintained by the Department of Public Safety under
Subchapter G, Chapter 411, Government Code.

SECTION _____. Article 64.04, Code of Criminal Procedure, is amended to read as follows:

Art. 64.04. FINDING. After examining the results of testing under Article 64.03 and any comparison of a DNA profile under Article 64.035, the convicting court shall hold a hearing and make a finding as to whether, had the results been available during the trial of the offense, it is reasonably probable that the person would not have been convicted.

SECTION _____. The change in law made by this Act in amending Chapter 64, Code of Criminal Procedure, applies to a motion for forensic DNA testing filed on or after the effective date of this Act. A motion for forensic DNA testing filed before the effective date of this Act is covered by the law in effect at the time the motion was filed, and the former law is continued in effect for that purpose.

The amendment to **HB 1573** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1573 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1573 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1573** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 871 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 871** at this time on its second reading:

HB 871, Relating to indigent health care services that may be provided by a county.

The motion prevailed.

Senators Birdwell and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 871** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 61.038(b), Health and Safety Code, is amended to read as follows:

(b) State funds provided under this section to a county must be equal to the amount [~~at least 90 percent~~] of the actual payment for the health care services for the county's eligible residents during the remainder of the state fiscal year after the eight percent expenditure level is reached.

SECTION _____. Section 61.038(b), Health and Safety Code, as amended by this Act, applies beginning with the state fiscal year that begins September 1, 2011.

The amendment to **HB 871** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 871 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Shapiro.

HOUSE BILL 871 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 871** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the complete dialogue regarding **CSSB 31**, which was finally passed on Tuesday, May 17, 2011, was ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to that day's Journal.

HOUSE BILL 1665 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **HB 1665** at this time on its second reading:

HB 1665, Relating to the notification requirements regarding certain land use regulations in an area near military facilities.

The motion prevailed.

Senators Davis and Wentworth asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1665** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In the recital (page 1, lines 16-17), strike "Section 397.005(b), Local Government Code, is amended" and substitute "Section 397.005, Local Government Code, is amended by amending Subsection (b) and adding Subsections (d) and (e)".

(2) Following amended Section 397.005(b), Local Government Code (page 1, between lines 28 and 29), insert the following:

(d) This subsection applies to an ordinance, rule, or plan regulating the planting, clearing, or harvesting of trees or vegetation or other uses of trees or vegetation on a particular tract of land located in the corporate boundaries or in the extraterritorial jurisdiction of a municipality that is a defense community and within three miles of the boundary line of a defense base. Defense base authorities may submit comments and analysis to a defense community that is a municipality regarding the compatibility of the proposed ordinance, rule, or plan or the proposed enforcement of the ordinance, rule, or plan in the corporate boundaries or applicable extraterritorial jurisdiction. The defense community shall consider and analyze comments and analysis submitted under this subsection before making a final determination relating to the proposed ordinance, rule, or plan or proposed enforcement of the ordinance, rule, or plan. The defense community may enforce the ordinance, rule, or plan only if any comments and analysis received from defense base authorities support the enforcement of the ordinance, rule, or plan in the corporate boundaries or applicable extraterritorial jurisdiction.

(e) Notwithstanding any other law, an ordinance, rule, or plan regulating the planting, clearing, or harvesting of trees or vegetation or other uses of trees or vegetation on a particular tract of land may not be enforced in any portion of the extraterritorial jurisdiction of a municipality that is not located within three miles of the boundary line of a defense base.

The amendment to **HB 1665** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Davis, Wentworth.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1665 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Davis, Wentworth.

HOUSE BILL 1665 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1665** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Wentworth.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today:

HB 844, HB 3840, HB 3246, HB 3813.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider **HB 3275** today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow:

HB 710, HB 3197.

SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills today:

HB 1020, HB 2603.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

SENATE RULES SUSPENDED**(Posting Rules)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills tomorrow:

HB 1046, HB 1129, HB 1528, HB 2098, HB 2190, HB 2425, HB 2449, HB 2728.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:10 p.m. agreed to adjourn, in memory of Dolph Briscoe, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1555**

Senator Ellis submitted the following Conference Committee Report:

Austin, Texas
May 16, 2011

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1555** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ELLIS
HUFFMAN
PATRICK
SHAPIRO
WHITMIRE

On the part of the Senate

THOMPSON
ALLEN
EISSLER
HARTNETT
HOCHBERG

On the part of the House

The Conference Committee Report on **HB 1555** was filed with the Secretary of the Senate on Tuesday, May 17, 2011.

CO-AUTHOR OF SENATE BILL 1916

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1916**.

CO-AUTHORS OF SENATE BILL 1928

On motion of Senator Ellis, Senators Uresti and Zaffirini will be shown as Co-authors of **SB 1928**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 51

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SCR 51**.

CO-SPONSOR OF HOUSE BILL 2118

On motion of Senator Estes, Senator Van de Putte will be shown as Co-sponsor of **HB 2118**.

CO-SPONSOR OF HOUSE BILL 2173

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-sponsor of **HB 2173**.

CO-SPONSOR OF HOUSE BILL 2725

On motion of Senator Williams, Senator Van de Putte will be shown as Co-sponsor of **HB 2725**.

CO-SPONSORS OF HOUSE BILL 3616

On motion of Senator Ellis, Senators Uresti and Zaffirini will be shown as Co-sponsors of **HB 3616**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 68

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-sponsor of **HCR 68**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 1034 by West, Recognizing Omega Psi Phi Fraternity, Incorporated, on the occasion of its 100th anniversary and the Theta Alpha Chapter in Dallas on the occasion of its 75th anniversary.

SR 1035 by Ellis, Recognizing the New Covenant Tabernacle of Houston on the occasion of its Professional Sunday.

SR 1037 by Lucio, Recognizing Nicole Olvera on the occasion of her graduation from the Nursing Program at The University of Texas at Brownsville.

SR 1038 by Shapiro, Congratulating the Conner Harrington Republican Women's Club on its 40th year as a federated club.

RECESS

On motion of Senator Whitmire, the Senate at 2:10 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 18, 2011

HEALTH AND HUMAN SERVICES — **HB 577, HB 753, HB 1720, HB 1797, HB 2038, HB 2109, HB 2610, HB 2703, HB 2940, HB 3085, HB 3145, HB 3207, HB 3369**

FINANCE — **CSHB 257**

JURISPRUDENCE — **SB 1929, HB 2422, HB 1771, HB 1830, HB 2132, HB 3311, HB 3314, HB 3796**

HEALTH AND HUMAN SERVICES — **CSHB 2903**

GOVERNMENT ORGANIZATION — **HCR 24, HB 2139, HB 2518, HB 2632, HB 2769, HB 3404**

NATURAL RESOURCES — **HB 3391, HB 2133, HB 3399, HB 1060, HB 2510, HB 2077**

JURISPRUDENCE — **CSHB 2330**

AGRICULTURE AND RURAL AFFAIRS — **CSHB 1992**

BUSINESS AND COMMERCE — HB 1469, SB 1837, HB 1355, HB 2295, HB 2382, HB 3329, HB 3573, HB 3410, HB 1580, HB 3167, HB 1959, HB 2103

STATE AFFAIRS — CSHB 174

BUSINESS AND COMMERCE — HB 602, HB 1456, HB 2619, HB 2707, HB 2982

GOVERNMENT ORGANIZATION — CSHB 1781, CSHB 1818, CSHB 3333

BILLS ENGROSSED

May 17, 2011

SB 31, SB 856, SB 923, SB 1021, SB 1358, SB 1405, SB 1724, SB 1807, SB 1913, SB 1914, SB 1915, SB 1925

BILLS AND RESOLUTIONS ENROLLED

May 17, 2011

SB 14, SB 118, SB 132, SB 328, SB 420, SB 977, SB 1125, SB 1353, SB 1693, SCR 25, SR 988, SR 1007, SR 1008, SR 1009, SR 1010, SR 1011, SR 1012, SR 1013, SR 1014, SR 1015, SR 1016, SR 1017, SR 1018, SR 1019, SR 1020, SR 1021, SR 1022, SR 1023, SR 1024, SR 1025, SR 1026, SR 1027, SR 1028, SR 1029, SR 1030, SR 1031, SR 1032, SR 1033

SIGNED BY GOVERNOR

May 17, 2011

SB 257, SB 360, SB 428, SB 483, SB 782, SB 934, SB 1086, SB 1147, SB 1258

SENT TO GOVERNOR

May 18, 2011

SB 14, SB 118, SB 132, SB 248, SB 328, SB 331, SB 356, SB 403, SB 420, SB 509, SB 533, SB 564, SB 604, SB 628, SB 816, SB 977, SB 1121, SB 1125, SB 1140, SB 1150, SB 1165, SB 1217, SB 1229, SB 1241, SB 1242, SB 1327, SB 1353, SB 1356, SB 1357, SB 1385, SB 1433, SB 1492, SB 1496, SB 1608, SB 1693, SB 1806, SB 1886, SCR 25

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-SECOND DAY

(Continued)

(Thursday, May 19, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Uresti yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

HB 114 (Zaffirini)

Relating to designating April as Minority Cancer Awareness Month.

(viva voce vote) (31-0) (31-0)

HB 123 (Nelson)

Relating to an adult diabetes education program in certain county hospital systems and hospital districts.

(viva voce vote) (31-0) (31-0)

CSHB 200 (Whitmire)

Relating to the notification of the release of certain inmates given to certain courts, law enforcement agencies, and the United States Social Security Administration.

(viva voce vote) (31-0) (31-0)

CSHB 240 (Nelson)

Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing access to on-site sewage disposal systems.

(viva voce vote) (31-0) (31-0)

HB 253 (Nelson)

Relating to the protection of children by ensuring reports of abuse or neglect, protecting children from abuse and neglect, ensuring that births are reported, and prosecuting the offense of bigamy; providing criminal penalties.

(viva voce vote) (31-0) (31-0)

HB 265 (Birdwell)

Relating to the lease of space by or for a state agency.

(viva voce vote) (31-0) (31-0)

HB 282 (Van de Putte)

Relating to an analysis by the adjutant general of facility needs of state military forces before grants or conveyances of real property.

(viva voce vote) (31-0) (31-0)

CSHB 350 (Van de Putte)

Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

(viva voce vote) (31-0) (31-0)

HB 399 (Zaffirini)

Relating to requiring general academic teaching institutions to offer personal financial literacy training.

(viva voce vote) (31-0) (31-0)

HB 451 (Hegar)

Relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.

(viva voce vote) (31-0) (31-0)

HB 533 (Hinojosa)

Relating to the rendition of property for ad valorem tax purposes and to the protest of a penalty imposed for a failure to timely file a rendition statement or property report.

(viva voce vote) (31-0) (31-0)

HB 549 (Uresti)

Relating to the disposition of a decedent's remains.

(viva voce vote) (31-0) (31-0)

HB 627 (Gallegos)

Relating to a fee collected by a district clerk for certain certified copies.

(viva voce vote) (31-0) (31-0)

HB 649 (Hinojosa)

Relating to the issuance and duration of certain protective orders for victims of sexual assault.

(viva voce vote) (31-0) (31-0)

HB 824 (Van de Putte)

Relating to an outreach campaign to promote fathers' involvement with their children before birth.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)**HB 930 (Harris)**

Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.

(viva voce vote) (31-0) (31-0)

HB 942 (Gallegos)

Relating to an exemption for school districts from security for court costs and appeal bond.

(viva voce vote) (31-0) (31-0)

HB 960 (Whitmire)

Relating to the powers of the Central Harris County Regional Water Authority.

(viva voce vote) (31-0) (31-0)

HB 969 (Seliger)

Relating to the election of directors of the board of the Ector County Hospital District.

(viva voce vote) (31-0) (31-0)

HB 976 (Carona)

Relating to the issuance of a warrant or summons by a magistrate.

(viva voce vote) (31-0) (31-0)

CSHB 1057 (West)

Relating to business leave time for certain municipal firefighters and police officers.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

HB 1110 (Seliger)

Relating to the contracting authority of the Midland County Hospital District.

(viva voce vote) (31-0) (31-0)

CSHB 1127 (Van de Putte)

Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

(viva voce vote) (31-0) (31-0)

HB 1128 (Van de Putte)

Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

(viva voce vote) (31-0) (31-0)

HB 1135 (Fraser)

Relating to an application to run for political office.

(viva voce vote) (31-0) (31-0)

CSHB 1168 (Van de Putte)

Relating to smoke alarms and fire extinguishers in residential rental units.

(viva voce vote) (31-0) (31-0)

CSHB 1179 (Deuell)

Relating to certification requirements for certain property tax professionals.

(viva voce vote) (31-0) (31-0)

HB 1215 (Uresti)

Relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.

(viva voce vote) (31-0) (31-0)

HB 1245 (Birdwell)

Relating to the repeal of the authorization to establish a super collider facility research authority.

(viva voce vote) (31-0) (31-0)

HB 1379 (West)

Relating to the purchasing of a firearm from the county by an honorably retired law enforcement officer.

(viva voce vote) (31-0) (31-0)

HB 1381 (Whitmire)

Relating to the service of civil process on an inmate of the Texas Department of Criminal Justice.

(viva voce vote) (31-0) (31-0)

HB 1383 (Uresti)

Relating to the territory of the El Paso County Water Control and Improvement District No. 4.

(viva voce vote) (31-0) (31-0)

HB 1426 (Wentworth)

Relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**HB 1481** (Zaffirini)

Relating to the use of person first respectful language in reference to individuals with disabilities.

(viva voce vote) Jackson "Nay" (30-1) Jackson "Nay" (30-1) Jackson "Nay"

HB 1514 (Birdwell)

Relating to the issuance to veterans of specially marked driver's licenses.

(viva voce vote) (31-0) (31-0)

HB 1529 (Wentworth)

Relating to the offense of fraudulent use or possession of identifying information.

(viva voce vote) (31-0) (31-0)

HB 1559 (Huffman)

Relating to the retention, storage, and destruction of certain court documents.

(viva voce vote) (31-0) (31-0)

HB 1614 (Deuell)

Relating to fees for process server certification.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

HB 1643 (Hegar)

Relating to the duration of a development agreement governing land in the extraterritorial jurisdiction of certain municipalities.

(viva voce vote) (31-0) (31-0)

HB 1666 (Watson)

Relating to the prosecution of the offense of online impersonation.

(viva voce vote) (31-0) (31-0)

HB 1678 (Estes)

Relating to the employment of an elections administrator.

(viva voce vote) (31-0) (31-0)

HB 1682 (Jackson)

Relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.

(viva voce vote) (31-0) (31-0)

HB 1694 (West)

Relating to the purchasing and contracting authority of certain governmental entities.

(viva voce vote) (31-0) (31-0)

HB 1772 (Duncan)

Relating to the regulation of certain benefit plans.

(viva voce vote) (31-0) (31-0)

CSHB 1814 (Lucio)

Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

(viva voce vote) (31-0) (31-0)

HB 1906 (Fraser)

Relating to the idling of motor vehicles; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

HB 1908 (Whitmire)

Relating to student loan repayment assistance for certain providers of correctional health care.

(viva voce vote) (31-0) (31-0)

HB 1965 (Deuell)

Relating to the expansion of faith- and community-based health and human services initiatives.

(viva voce vote) (31-0) (31-0)

HB 1983 (Nelson)

Relating to certain childbirths occurring before the 39th week of gestation.

(viva voce vote) (31-0) (31-0)

HB 2061 (Nelson)

Relating to the reporting of certain information to the director of the bureau of vital statistics.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)**HB 2069** (Lucio)

Relating to the authority of a pharmacist to dispense up to a 90-day supply of dangerous drugs and accelerate refills.

(viva voce vote) (31-0) (31-0)

HB 2108 (Estes)

Relating to electronic filing and rerecording of livestock marks and brands by county clerks.

(viva voce vote) (31-0) (31-0)

HB 2162 (Wentworth)

Relating to the power of the Cibolo Creek Municipal Authority to issue bonds.

(viva voce vote) (31-0) (31-0)

HB 2245 (Nelson)

Relating to physician incentive programs to reduce hospital emergency room use for non-emergent conditions by Medicaid recipients.

(viva voce vote) (31-0) (31-0)

HB 2258 (Williams)

Relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services.

(viva voce vote) (31-0) (31-0)

HB 2286 (Hinojosa)

Relating to the duties of a funeral director or an agent at the interment or entombment of a human body.

(viva voce vote) (31-0) (31-0)

HB 2289 (Jackson)

Relating to the authority of a gas corporation to use a public right-of-way along a railroad, a railroad right-of-way, an interurban railroad, or a street railroad.

(viva voce vote) (31-0) (31-0)

HB 2312 (West)

Relating to the creation of a sickle cell disease program.

(viva voce vote) (31-0) (31-0)

HB 2354 (Whitmire)

Relating to the installation and use of a pen register, ESN reader, trap and trace device, mobile tracking device, or similar equipment in a correctional facility operated by or under contract with the Texas Department of Criminal Justice.

(viva voce vote) (31-0) (31-0)

HB 2370 (West)

Relating to certain notice to applicants to provide care under the permanency care assistance program.

(viva voce vote) (31-0) (31-0)

HB 2385 (Harris)

Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.

(viva voce vote) (31-0) (31-0)

HB 2418 (Patrick)

Relating to the territory, board of directors, and powers of the North Harris County Regional Water Authority.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

CSHB 2476 (Eltife)

Relating to the appraisal for ad valorem tax purposes of certain dealer's heavy equipment inventory; providing penalties.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

HB 2482 (Williams)

Relating to the prosecution of and punishment for certain offenses involving theft.

(viva voce vote) (31-0) (31-0)

CSHB 2488 (Harris)

Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.

(viva voce vote) (31-0) (31-0)

HB 2538 (Jackson)

Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

HB 2582 (Whitmire)

Relating to the repeal of the partial tax exemption for certain beer.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)

CSHB 2609 (Uresti)

Relating to convictions barring employment at or by certain facilities serving the elderly or persons with disabilities.

(viva voce vote) (31-0) (31-0)

HB 2624 (Van de Putte)

Relating to procedures applicable in circumstances involving family violence or other criminal conduct and military personnel.

(viva voce vote) (31-0) (31-0)

HB 2633 (Whitmire)

Relating to the office of inspector general of the Texas Youth Commission.

(viva voce vote) (31-0) (31-0)

CSHB 2716 (Carona)

Relating to fees charged for the management and preservation of the county clerk's records.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

HB 2727 (Whitmire)

Relating to the regulation by the Texas Department of Licensing and Regulation of the application of eyelash extensions and private beauty culture schools; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

HB 2759 (Duncan)

Relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

(viva voce vote) (31-0) (31-0)

HB 2793 (Hinojosa)

Relating to the processing fee charged for a dishonored payment device.

(viva voce vote) (31-0) (31-0)

HB 2859 (Uresti)

Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

(viva voce vote) (31-0) (31-0)

CSHB 2907 (Carona)

Relating to the requirements for and procedures governing tuition equalization grants.

(viva voce vote) (31-0) (31-0)

HB 2908 (Zaffirini)

Relating to providing graduate medical education positions for Texas medical school graduates.

(viva voce vote) (31-0) (31-0)

HB 2928 (Birdwell)

Relating to privileged parking for recipients of the Silver Star Medal.

(viva voce vote) (31-0) (31-0)

HB 2937 (Zaffirini)

Relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.

(viva voce vote) (31-0) (31-0)

CSHB 2959 (Fraser)

Relating to the required transfer of records to a new county chair of a political party; providing a penalty.

(viva voce vote) (31-0) (31-0)

HB 2978 (Hegar)

Relating to the applicability of open meetings requirements to certain meetings of the governing board of a county hospital or county hospital authority.

(viva voce vote) (31-0) (31-0)

HB 3065 (Nichols)

Relating to the requirement that certain food service establishments post a sign depicting the Heimlich maneuver.

(viva voce vote) (31-0) (31-0)

HB 3146 (Zaffirini)

Relating to consent for treatment for chemical dependency in a treatment facility and required training for the facility's intake personnel.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**HB 3174** (Harris)

Relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under The Securities Act.

(viva voce vote) (31-0) (31-0)

HB 3307 (Hinojosa)

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

(viva voce vote) (31-0) (31-0)

CSHB 3372 (Jackson)

Relating to rainwater harvesting systems that are connected to public water supply systems.

(viva voce vote) (31-0) (31-0)

HB 3465 (Fraser)

Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district.

(viva voce vote) (31-0) (31-0)

HB 3470 (Ogden)

Relating to the Texas Armed Services Scholarship Program.

(viva voce vote) (31-0) (31-0)

CSHB 3531 (Nelson)

Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.

(viva voce vote) (31-0) (31-0)

HB 3547 (Gallegos)

Relating to enforcement by a local government of fire safety standards at certain child-care facilities.

(viva voce vote) (31-0) (31-0)

CSHB 3577 (Zaffirini)

Relating to priority consideration and eligibility for Texas Educational Opportunity Grants, TEXAS grants, and other state financial aid.

(viva voce vote) (31-0) (31-0)

HB 3814 (Wentworth)

Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

(viva voce vote) (31-0) (31-0)

HB 3818 (Harris)

Relating to a limitation on production fees on groundwater withdrawals assessed by the Northern Trinity Groundwater Conservation District.

(viva voce vote) (31-0) (31-0)

HCR 63 (Eltife)

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

(viva voce vote)

HCR 68 (Van de Putte)

Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

(viva voce vote)

HCR 90 (Hinojosa)

Urging Congress to provide a comprehensive public alert warning system.

(viva voce vote)

HCR 133 (Hinojosa)

Designating the red drum as the official State Saltwater Fish of Texas.

(viva voce vote)

SB 774 (Zaffirini)

Relating to exemptions for disabled peace officers from the payment of tuition and fees at public institutions of higher education.

(viva voce vote) (31-0) (31-0)

CSSB 824 (Lucio)

Relating to the coordination of rural and small community initiatives.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)**SB 1645** (Uresti)

Relating to the authority to create and operate a defense adjustment management authority.

(viva voce vote) (31-0) (31-0)

SB 1928 (Ellis)

Relating to an African American Texans memorial monument on the Capitol grounds.

(viva voce vote) (31-0) (31-0)

SCR 51 (Ellis)

Expressing the legislature's support for the construction of a monument to African American Texans on the grounds of the State Capitol at the location approved by the State Preservation Board for a Juneteenth monument.

(viva voce vote)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:45 a.m. adjourned, in memory of Dolph Briscoe, until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-THIRD DAY

(Thursday, May 19, 2011)

The Senate met at 11:37 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Bishop Joe Vasquez, Catholic Diocese of Austin, was introduced by Senator Watson and offered the invocation as follows:

Lord God, heavenly Father, we humbly invoke Your blessing over the Texas Senate and each of its Members. We thank You for their staff and those who collaborate with them so that Your work may be accomplished. May they dedicate themselves to bringing about a just society in their role as public servants. You have created us in Your likeness and image, which are both a blessing and a responsibility. Lord, guide us in Your wisdom, comfort us with Your mercy, protect us with Your power, and help us to seek justice. Human dignity is Your gift to us. Mindful of this gift, help us to be kind and respectful towards others who may disagree with us. Father, we ask You to guide these Senators as they deliberate serious and important issues. Help them to conquer anger with gentleness and greed with generosity. May they seek the common good for all Texans, especially, for the weak, the vulnerable, and the poor. As we seek to be faithful citizens, form our consciences so that we may exercise and enact laws according to Your will. Let our conscience be clear, our conduct without fault, our speech blameless, our lives well-ordered. God, bless Texas. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 19, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 1 Hilderbran

In memory of former Texas governor Dolph Briscoe, Jr.

HCR 50 Creighton

Affirming the pride of all Texans in both our one and indivisible national union and our one and indivisible state, claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist from certain mandates, and providing that certain federal legislation be prohibited or repealed.

HCR 60 Burkett

Urging Congress to propose and submit to the states for ratification the Parental Rights Amendment to the U.S. Constitution.

HCR 94 Flynn

Urging Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

HCR 129 Patrick, Diane

Notifying the U.S. Department of Education that certain career schools or colleges are legally authorized by the state of Texas to operate educational programs beyond secondary education.

HCR 151 Lavender

In memory of Bowie County Transport Deputy Sherri Jones.

HCR 153 Dukes

Honoring the Austin Area Urban League.

HCR 160 Hughes

In memory of former state representative Dr. Bob Glaze.

HCR 162 Davis, John

Congratulating the Space Center Intermediate Band in Houston on its receipt of a 2010 Sudler Cup.

HCR 164

Smithee

Honoring Jean Hilfiger of Saint-Nabord, France, for his courageous actions in assisting U.S. military forces in France during World War II.

SB 544

Seliger

Sponsor: Shelton

Relating to unlawful acts against and criminal offenses involving the Medicaid program; providing penalties.

(Committee Substitute)

SB 652

Hegar

Sponsor: Bonnen

Relating to governmental entities subject to the sunset review process.

(Committee Substitute/Amended)

SB 683

Huffman

Sponsor: Bonnen

Relating to the composition of the board of directors of the Gulf Coast Water Authority.

(Amended)

SB 688

Nichols

Sponsor: Creighton

Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

SB 1106

Harris

Sponsor: Madden

Relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.

(Amended)

SB 1504

Seliger

Sponsor: Lewis

Relating to the disposal of waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

(Committee Substitute/Amended)

SCR 50

Watson

Congratulating Bobby R. Inman for receiving the Joe M. Kilgore Award for Public Service.

SCR 53

Watson

Sponsor: Guillen

Recognizing the Texas Heritage Songwriters' Association for fostering and preserving Texas culture.

SCR 54

Fraser

Sponsor: Keffer

In memory of Gregory Mack Simmons.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 1123 (140 Yeas, 0 Nays, 3 Present, not voting)

HB 1146 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 1840 (144 Yeas, 2 Nays, 2 Present, not voting)

HB 2014 (146 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Mark Eidson of Weatherford as the Physician of the Day.

The Senate welcomed Dr. Eidson and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 941

Senator Watson offered the following resolution:

SR 941, Recognizing Central Health, CommUnityCare, and The University of Texas at Austin School of Nursing for creating a nurse practitioner residency program.

The resolution was again read.

The resolution was previously adopted on Monday, May 9, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Fletcher Brown, Board Chair, CommUnityCare; Thomas Coopwood, Board Chair, Central Health; and Linda Carpenter, The University of Texas at Austin School of Nursing.

The Senate welcomed its guests.

SENATE RESOLUTION 996

Senator Carona offered the following resolution:

SR 996, In memory of Ashley Therese Perret Harrison of Dallas.

The resolution was read.

On motion of Senator Carona, **SR 996** was adopted by a rising vote of the Senate.

In honor of the memory of Ashley Therese Perret Harrison, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate the family of Ashley Therese Perret Harrison: parents, Darlene and David Harrison; grandparents, Marion and Annette Perret, and uncle, Marion Perret II.

The Senate welcomed its guests and extended its sympathy.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Gonzales Elementary School students.

The Senate welcomed its guests.

SENATE RESOLUTION 1033

Senator Jackson offered the following resolution:

SR 1033, Recognizing Mickey Gilley for his career in country music.

The resolution was again read.

The resolution was previously adopted on Tuesday, May 17, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Pasadena delegation: Mickey Gilley, Kathy Gilley, Michael Gilley, Troy Payne, and Mayor Johnny Isbell.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate LBJ High School students, accompanied by their teacher, Linda Powell, and Eva Munoz of AT&T.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:22 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1920 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1920** at this time on its second reading:

CSSB 1920, Relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1920 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1920** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1774 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1774** at this time on its second reading:

HB 1774, Relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1774 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1774** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2189 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2189** at this time on its second reading:

HB 2189, Relating to the regulation of handfishing.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2189 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2189** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 8 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 8** at this time on its second reading:

CSHB 8, Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 8 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 8** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Watson submitted the following legislative intent dialogue for **CSHB 8**:

Senator Watson: Is it your understanding that CSHB 8 as amended would not prohibit the Mueller Foundation, which is located in my district in Austin, Texas, from continuing to use the Foundation's funds to benefit education and low income housing in a 3 miles radius in East Austin?

Senator Harris: Yes.

Senator Watson: Is it also correct that funds collected through transfers under the terms of covenants existing prior to the effective date of your bill as amended are not impacted by the restrictions in CSHB 8?

Senator Harris: Yes.

WATSON

HOUSE BILL 962 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 962** at this time on its second reading:

HB 962, Relating to rules regarding return of service.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 962 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 962** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 260 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 260** at this time on its second reading:

HB 260, Relating to the prosecution and punishment of unlawful transport of a person.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 260** (Senate Committee Printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Chapter 20, Penal Code, is amended to read as follows:

CHAPTER 20. KIDNAPPING, ~~[AND]~~ UNLAWFUL RESTRAINT, AND SMUGGLING OF PERSONS

SECTION 2. Section 20.05, Penal Code, is amended to read as follows:

Sec. 20.05. SMUGGLING OF PERSONS ~~[UNLAWFUL TRANSPORT]~~. (a) A person commits an offense if the person intentionally uses a motor vehicle, aircraft, or watercraft to transport an individual with the intent to conceal the individual from a peace officer or special investigator and flees from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor ~~for~~ pecuniary benefit transports an individual in a manner that:

~~(1) is designed to conceal the individual from local, state, or federal law enforcement authorities; and~~

~~(2) creates a substantial likelihood that the individual will suffer serious bodily injury or death.~~

(b) Except as provided by Subsection (c), an ~~[An]~~ offense under this section is a state jail felony.

(c) An offense under this section is a felony of the third degree if the actor commits the offense:

(1) for pecuniary benefit; or

(2) in a manner that creates a substantial likelihood that the transported individual will suffer serious bodily injury or death.

(d) It is an affirmative defense to prosecution under this section that the actor is related to the transported individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 3. Subsection (a), Section 71.02, Penal Code, as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

(10) any offense under Chapter 34 or 35;

(11) any offense under Section 37.11(a);

(12) any offense under Chapter 20A;

(13) any offense under Section 37.10; ~~or~~

(14) any offense under Section 38.06, 38.07, 38.09, or 38.11;

(15) ~~(14)~~ any offense under Section 42.10;

(16) ~~(14)~~ any offense under Section 46.06(a)(1) or 46.14; or

(17) any offense under Section 20.05.

SECTION 4. Article 13.12, Code of Criminal Procedure, is amended to read as follows:

Art. 13.12. FALSE IMPRISONMENT, ~~AND~~ KIDNAPPING, AND SMUGGLING OF PERSONS. Venue for false imprisonment, ~~and~~ kidnapping, and smuggling of persons is in either the county in which the offense was committed, or in any county through, into, or out of which the person falsely imprisoned, ~~or~~ kidnapped, or transported may have been taken.

SECTION 5. Subdivision (2), Article 59.01, Code of Criminal Procedure, as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 153, Finance Code;

(iv) any felony under Chapter 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 152, Finance Code;

(vii) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;

(viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code; ~~or~~

(x) any offense under Section 42.10, Penal Code;

(xi) ~~(x)~~ any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xii) ~~(x)~~ any offense under Chapter 71, Penal Code; or

(xiii) any offense under Section 20.05, Penal Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), ~~or~~ (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), ~~or~~ (x), (xi), or (xii) of this subdivision, or a crime of violence; or

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code.

SECTION 6. The changes in law made by this Act in amending Sections 20.05 and 71.02, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. The change in law made by this Act in amending Subdivision (2), Article 59.01, Code of Criminal Procedure, applies only to the forfeiture of property in relation to an offense committed on or after the effective date of this Act. Forfeiture

of property in relation to an offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect September 1, 2011.

The amendment to **HB 260** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend Amendment No. 1 by Hinojosa to **HB 260** (Senate Committee Printing) as follows:

(1) In SECTION 1 of the amendment, in amended Section 20.05(a), Penal Code (page 1, line 12), between "intent to" and "conceal" insert an underlined colon followed on the next line by "(1)".

(2) In SECTION 1 of the amendment, in amended Section 20.05(a), Penal Code (page 1, line 13), strike "and flees" and substitute "; or", followed on the next line by "(2) flee".

The amendment to **HB 260** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 260 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 260 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 260** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2605 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2605** at this time on its second reading:

CSHB 2605, Relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2605** (senate committee printing) as follows:

- (1) Strike SECTIONS 13, 14, 15, 16, 17, and 18 of the bill.
- (2) In SECTION 43 of the bill (page 13, between lines 27 and 28), insert the following and renumber subsequent subdivisions of that SECTION accordingly:
 - (1) Section 413.031(l);
 - (3) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSHB 2605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2605** (Senate Committee Printing) as follows:

- (1) Strike the recital to SECTION 11 of the bill (page 3, lines 2-4) and substitute the following:

SECTION 11. Section 408.0041, Labor Code, is amended by amending Subsections (b) and (h) and adding Subsections (b-1), (f-2), (f-3), and (f-4) to read as follows:

- (2) In SECTION 11 of the bill, after added Section 408.0041(b-1), Labor Code (page 3, between lines 26 and 27), insert the following:

(f-2) An employee required to be examined by a designated doctor may request a medical examination to determine maximum medical improvement and the employee's impairment rating from the treating doctor or from another doctor to whom the employee is referred by the treating doctor if:

(1) the designated doctor's opinion is the employee's first evaluation of maximum medical improvement and impairment rating; and

(2) the employee is not satisfied with the designated doctor's opinion.

(f-3) The commissioner shall provide the insurance carrier and the employee with reasonable time to obtain and present the opinion of a doctor selected under Subsection (f) or (f-2) before the commissioner makes a decision on the merits of the issue.

(f-4) The commissioner by rule shall adopt guidelines prescribing the circumstances under which an examination by the employee's treating doctor or another doctor to whom the employee is referred by the treating doctor to determine any issue under Subsection (a), other than an examination under Subsection (f-2), may be appropriate.

(h) The insurance carrier shall pay for:

(1) an examination required under Subsection (a), ~~or~~ (f), or (f-2), unless otherwise prohibited by this subtitle or by an order or rule of the commissioner; and

(2) the reasonable expenses incident to the employee in submitting to the examination.

(3) In SECTION 47(d) of the bill (page 14, lines 6-7), strike "Section 408.0041, Labor Code, as amended by this Act, applies" and substitute "Section 408.0041(b), Labor Code, as amended by this Act, and Section 408.0041(b-1), Labor Code, as added by this Act, apply".

The amendment to **CSHB 2605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Huffman, on behalf of Senator Duncan, offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2605** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 406.033(a) and (d), Labor Code, are amended to read as follows:

(a) In an action against an employer by or on behalf of an employee who is not covered by ~~[who does not have]~~ workers' compensation insurance obtained in the manner authorized by Section 406.003 ~~[coverage]~~ to recover damages for personal injuries or death sustained by an employee in the course and scope of the employment, it is not a defense that:

(1) the employee was guilty of contributory negligence;

(2) the employee assumed the risk of injury or death; or

(3) the injury or death was caused by the negligence of a fellow employee.

(d) In an action described by Subsection (a) ~~[against an employer who does not have workers' compensation insurance coverage]~~, the plaintiff must prove negligence of the employer or of an agent or servant of the employer acting within the general scope of the agent's or servant's employment.

SECTION _____. Section 406.034(d), Labor Code, is amended to read as follows:

(d) An employee who elects to retain the right of action or a legal beneficiary of that employee may bring a cause of action for damages for injuries sustained in the course and scope of the employment under common law or under a statute of this state. Notwithstanding Section 406.033, the cause of action is subject to all defenses available under common law and the statutes of this state unless the employee has waived coverage in connection with an agreement with the employer.

SECTION _____. (a) Sections 406.033 and 406.034, Labor Code, as amended by this Act, do not apply to a cause of action by an employee if:

(1) the employee is subject to a valid and enforceable contract with the employee's employer relating to benefits for occupational injury or death; and

(2) the employer, since January 1, 2011, has continuously:

(A) had workers' compensation insurance coverage; and

(B) offered its employees a program providing benefits for occupational injury or death that is not governed by Subtitle A, Title 5, Labor Code.

(b) Except as provided by Subsection (a) of this section, Sections 406.033 and 406.034, Labor Code, as amended by this Act, apply only to a cause of action that is filed on or after the effective date of this Act. A cause of action that is filed before that date is governed by the law in effect on the date the action is filed, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 2605** by adding the following appropriately numbered SECTIONS to the proposed substitute and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 504, Labor Code, is amended by adding Sections 504.054 and 504.055 to read as follows:

Sec. 504.054. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR CERTAIN INJURIES SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT. (a) In this section, "first responder" means:

(1) an individual employed by a political subdivision of this state who is:

(A) a peace officer under Article 2.12, Code of Criminal Procedure;

(B) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(C) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue; or

(2) an individual covered under Section 504.012(a) who is providing volunteer services to a political subdivision of this state as:

(A) a volunteer firefighter, without regard to whether the volunteer firefighter is certified under Subchapter D, Chapter 419, Government Code; or

(B) an emergency medical services volunteer, as defined by Section 773.003, Health and Safety Code.

(b) This section applies only to a first responder who sustains a serious bodily injury, as defined by Section 1.07, Penal Code, in the course and scope of employment. For purposes of this section, an injury sustained in the course and scope of employment includes an injury sustained by a first responder providing services on a volunteer basis.

(c) The political subdivision, division, and insurance carrier shall accelerate and give priority to an injured first responder's claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury described by Subsection (b).

(d) The division shall accelerate, under rules adopted by the commissioner of workers' compensation, a contested case hearing requested by or an appeal submitted by a first responder regarding the denial of a claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury described by Subsection (b). The first responder shall provide notice to the division and independent review organization that the contested case or appeal involves a first responder.

Sec. 504.055. FIRST RESPONDER MEDICAL DISPUTES; CONTESTED CASE HEARING AND JUDICIAL REVIEW. (a) In this section, "first responder" has the meaning assigned by Section 504.054.

(b) A first responder whose medical dispute remains unresolved after a review by an independent review organization is entitled to a contested case hearing. The independent review organization's decision is binding during the pendency of a dispute. A hearing under this subsection shall be conducted by the division in the same manner as a hearing conducted under Section 413.0311.

(c) A first responder who has exhausted all administrative remedies under Subsection (b) and is aggrieved by a final decision of the division may seek judicial review of the decision. Judicial review under this subsection shall be conducted in the manner provided by Section 413.0311(d).

SECTION ____. Sections 504.054 and 504.055, Labor Code, as added by this Act, apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Birdwell, Carona, Fraser, Seliger.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 2605** by adding the following appropriately numbered SECTION to the proposed substitute and renumbering subsequent SECTIONS accordingly:

SECTION ____. Subchapter C, Chapter 504, Labor Code, is amended by adding Section 504.056 to read as follows:

Section 504.056 INTENT OF EXPEDITED PROVISION OF MEDICAL BENEFITS FOR CERTAIN INJURIES SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT.

The purpose of section 504.054 is to ensure that an injured first responder's claim for medical benefits is accelerated by a political subdivision, insurance carrier, and the division to the full extent authorized by current law.

The amendment to **CSHB 2605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

On motion of Senator Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2605 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2605 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2605** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Government Organization might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **HB 3246** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator West, on behalf of Senator Nelson, and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills today: **HB 13, HB 335, HB 300, HB 3387.**

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 19, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 1690 Flynn
Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

HB 1693 Cain
Relating to the jurisdiction of, civil fees assessed by, and the administration of the county court at law of Lamar County.

HB 3743 Workman
Relating to the rights, powers, functions, and duties of the West Travis County Municipal Utility District No. 5.

HB 3848 Gooden
Relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District.

HB 3864 Gooden
Relating to the creation of the Lazy W District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 3865 Isaac
Relating to the Hays Trinity Groundwater Conservation District.

HB 3866 Miller, Doug
Relating to the date for the election of directors of the Hill Country Underground Water Conservation District.

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today: **HB 127, HB 359, HB 1386.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **HB 2102, HB 254.**

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on State Affairs might meet tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Watson, on behalf of Senator Wentworth, and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Open Government might meet and consider **HB 1500** today.

RECESS

On motion of Senator Whitmire, the Senate at 1:42 p.m. recessed until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:20 p.m. and was called to order by Senator Eltife.

SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)

Senator West moved to suspend Senate Rule 5.14(a) to extend the time to allow Members to place bills and resolutions on the Intent Calendar until 6:00 p.m. today.

The motion prevailed without objection.

COMMITTEE SUBSTITUTE
HOUSE BILL 268 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 268** at this time on its second reading:

CSHB 268, Relating to the exemption from sales and use taxes, including the motor vehicle sales and use tax, for timber and certain items used in or on a farm, ranch, timber operation, or agricultural aircraft operation.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 268** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 151.316(a)(11), Tax Code (page 3, line 63), strike "and" and substitute "[and]".

(2) In SECTION 3 of the bill, in amended Section 151.316(a)(12), Tax Code (page 3, line 66), between "Code" and the period, insert the following:
; and

(13) tangible personal property incorporated into or attached to a structure that is located on a commercial dairy farm, is used or employed exclusively for the production of milk, and is:

(A) a free-stall dairy barn; or

(B) a dairy structure used solely for maternity purposes

(3) In SECTION 9 of the bill (page 5, line 35), strike "The" and substitute "(a) Except as provided by Subsection (b) of this section, the".

(4) In SECTION 9 of the bill (page 5, between lines 40 and 41), insert the following:

(b) Section 151.316(a)(13), Tax Code, as added by this Act, does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if that section had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

The amendment to **CSHB 268** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 268 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Ellis.

**COMMITTEE SUBSTITUTE
HOUSE BILL 268 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 268** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2203 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2203** at this time on its second reading:

HB 2203, Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2203 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2203** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 109 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 109** at this time on its second reading:

CSHB 109, Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 109 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 109** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 970 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 970** at this time on its second reading:

CSHB 970, Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 970 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 970** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1615 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1615** at this time on its second reading:

CSHB 1615, Relating to the administering of medications to children in certain facilities; providing criminal penalties.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1615 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1615** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**(President Pro Tempore Ogden in Chair)
HOUSE BILL 3272 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **HB 3272** at this time on its second reading:

HB 3272, Relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

The motion prevailed.

Senators Birdwell, Nelson, Nichols, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Nelson, Nichols, Patrick, Shapiro.

HOUSE BILL 3272 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3272** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nelson, Nichols, Patrick, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

HOUSE CONCURRENT RESOLUTION 18 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **HCR 18** at this time on its second reading:

HCR 18, Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

The motion prevailed.

Senators Ellis, Lucio, and Rodriguez asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Lucio, Rodriguez.

COMMITTEE SUBSTITUTE HOUSE BILL 2725 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2725** at this time on its second reading:

CSHB 2725, Relating to the determination of incompetency in criminal cases.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2725** (senate committee report) as follows:

(1) Strike the recital of SECTION 16 of the bill, amending Article 46B.086(a), Code of Criminal Procedure (page 6, lines 60-61), and substitute "Articles 46B.086(a) and (c), Code of Criminal Procedure, are amended to read as follows:".

(2) In SECTION 16 of the bill, after amended Article 46B.086(a), Code of Criminal Procedure (page 7, between lines 20 and 21), insert the following:

(c) The court, after notice and after a hearing held not later than the 10th day after the motion to compel medication is filed ~~[fifth day after the defendant is returned to the committing court]~~, may authorize the director of the correctional facility or the program provider, as applicable, to have the medication administered to the defendant, by reasonable force if necessary. A hearing under this subsection may be conducted using an electronic broadcast system as provided by Article 46B.013.

The amendment to **CSHB 2725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Williams, on behalf of Senator Duncan, offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2725** (senate committee printing) as follows:

(1) In SECTION 20 of the bill (page 7, line 43), strike "The change in law" and substitute "(a) Except as provided by Subsection (b) of this section, the change in law".

(2) Between SECTIONS 20 and 21 of the bill (page 7, between lines 46 and 47), insert the following:

(b) Article 46B.004(c-1), Code of Criminal Procedure, as added by this Act, applies only to a motion suggesting a defendant's incompetency to stand trial made on or after the effective date of this Act. A motion suggesting a defendant's incompetency to stand trial made before the effective date of this Act is covered by the law in effect when the motion was made, and the former law is continued in effect for that purpose.

(3) Add the following appropriately numbered SECTION to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Article 46B.004, Code of Criminal Procedure, is amended by adding Subsection (c-1) to read as follows:

(c-1) A suggestion of incompetency is the threshold requirement for an informal inquiry under Subsection (c) and may consist solely of a representation from any credible source that the defendant may be incompetent. A further evidentiary showing is not required to initiate the inquiry, and the court is not required to have a bona fide doubt about the competency of the defendant. Evidence suggesting the need for an informal inquiry may be based on observations made in relation to one or more of the factors described by Article 46B.024 or on any other indication that the defendant is incompetent within the meaning of Article 46B.003.

The amendment to **CSHB 2725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2725 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 2725 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2725** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 1690 to Committee on Intergovernmental Relations.

HB 3743 to Committee on Intergovernmental Relations.

HB 3848 to Committee on Intergovernmental Relations.

HB 3864 to Committee on Intergovernmental Relations.

HB 3865 to Committee on Natural Resources.

HB 3866 to Committee on Natural Resources.

HCR 50 to Committee on State Affairs.

HCR 60 to Committee on State Affairs.

HCR 94 to Committee on Business and Commerce.

COMMITTEE SUBSTITUTE HOUSE BILL 2499 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2499** at this time on its second reading:

CSHB 2499, Relating to the continuation and functions of the Department of Information Resources and the transfer of certain department functions to the comptroller of public accounts.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2499** (senate committee printing) as follows:

(1) In SECTION 19 of the bill, in added Section 2054.376(b)(6), Government Code (page 7, line 1), strike "or".

(2) In SECTION 19 of the bill, in amended Section 2054.376(b), Government Code (page 7, line 3), strike the period and substitute the following:

; or

(8) a database or network managed by a state agency in the judicial branch of state government.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 2054.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This section does not apply to a state agency in the judicial branch of state government that implements electronic filing and service of documents under rules adopted or approved by the supreme court.

SECTION _____. Section 2054.113(a-1), Government Code, as added by this Act, takes effect September 1, 2012.

The amendment to **CSHB 2499** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2499** (Senate committee printing) as follows:

(1) Strike SECTIONS 5, 12, 16, 17, 18, 22, 23, 24, 25, 28, 29, 30, 31, and 35 of the bill.

(2) In SECTION 26 of the bill, in added Section 2157.0685, Government Code (page 10, lines 46, 47, 51, 53, 55, and 56), strike "comptroller" each time it appears and substitute "department".

(3) In SECTION 26 of the bill, in added Section 2157.0685, Government Code (page 10, line 51), strike "comptroller's" and substitute "department's".

(4) In SECTION 32 of the bill (page 11, lines 44 and 45), strike "Sections 2054.024(c), 2155.501(1), 2155.502(e), 2157.0611, and 2157.181(b), Government Code, are" and substitute "Section 2054.024(c), Government Code, is".

(5) Add the following appropriately numbered SECTION to the bill:

SECTION _____. (a) In this section:

(1) "Commission" means the Sunset Advisory Commission.

(2) "Department" means the Department of Information Resources.

(b) Except as provided by Subsections (c) and (d), the commission shall study the cost-effectiveness of transferring to the comptroller the department's powers and duties related to the information and communications technology cooperative contracts program.

(c) The commission is not required to conduct the study and make the report required by this section if the commission determines that the commission's workload requirements for the interim will limit its ability to conduct the study and make the report required by this section. If the commission makes this determination, the commission must notify the governor, the lieutenant governor, the speaker of the house of representatives, and the department of this determination not later than September 1, 2011.

(d) If the commission makes the determination under Subsection (c), the department shall conduct the study and make the report required by this section. The department may contract with an independent contractor to conduct the study and make the report. The department shall pay for the study and report under this subsection.

(e) Not later than September 1, 2012, the commission or department, as applicable, shall report in detail, including all costs and savings resulting from a transfer described by Subsection (b), the results of the study to:

- (1) the lieutenant governor;
 - (2) the speaker of the house of representatives;
 - (3) the chairs of the house and senate committees with primary oversight over the department;
 - (4) the department, if the commission makes the report;
 - (5) the governor; and
 - (6) the comptroller.
- (6) Renumber the remaining SECTIONS of the bill accordingly.

The amendment to **CSHB 2499** was read.

On motion of Senator Nichols, Floor Amendment No. 2 was tabled by the following vote: Yeas 17, Nays 9.

Yeas: Birdwell, Carona, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Wentworth, Whitmire.

Nays: Deuell, Gallegos, Lucio, Ogden, Uresti, Van de Putte, Watson, West, Zaffirini.

Absent: Davis, Duncan, Ellis, Nelson, Williams.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 2499** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill appropriately:

SECTION _____. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.020 to read as follows:

Sec. 403.020. CERTAIN POLITICAL CONTRIBUTIONS PROHIBITED. (a) In this section, "political contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(b) The comptroller may not accept a political contribution from a person who enters into a contract under Section 2157.068 relating to information technology commodity items.

(c) For purposes of this section, a contribution to a specific-purpose committee for the purpose of supporting a candidate for comptroller, opposing the candidate's opponent, or assisting the comptroller is considered to be a contribution to the comptroller.

SECTION _____. Section 403.020, Government Code, as added by this Act, applies only to a political contribution made on or after the effective date of this Act. A political contribution made before the effective date of this Act is governed by the law in effect when the contribution was made, and the former law is continued in effect for that purpose.

LUCIO
URESTI

The amendment to **CSHB 2499** was read.

Senator Lucio withdrew Floor Amendment No. 3.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 2499** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 2059.060, Government Code, is repealed.

The amendment to **CSHB 2499** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 2499** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill appropriately:

SECTION _____. Section 2155.003, Government Code, is amended by amending Subsection (e) and adding Subsections (f) and (g) to read as follows:

(e) The comptroller must report to the Texas Ethics Commission a campaign contribution from a vendor that bids on or receives a contract under the comptroller's purchasing authority, including authority under this subtitle.

(f) In this section, "campaign contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(g) For purposes of Subsection (e), a campaign contribution to a specific-purpose committee for the purpose of supporting a candidate for comptroller, opposing the candidate's opponent, or assisting the comptroller is considered to be a campaign contribution to the comptroller.

SECTION _____. Section 2155.003, Government Code, as amended by this Act, applies only to a campaign contribution made on or after the effective date of this Act. A campaign contribution made before the effective date of this Act is governed by the law in effect when the contribution was made, and the former law is continued in effect for that purpose.

The amendment to **CSHB 2499** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

On motion of Senator Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2499 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 2499 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2499** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 19, 2011 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 430 Nichols Sponsor: Christian
Relating to written notice to a groundwater conservation district of groundwater contamination.

SB 662 Nichols Sponsor: Anchia
Relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

SB 764 Williams Sponsor: Ritter
Relating to a prohibition against use of school district resources for a hotel.

SB 800

Duncan

Sponsor: Elkins

Relating to the qualifications and operations of workers' compensation data collection agents.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 2904 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2904** at this time on its second reading:

CSHB 2904, Relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2904 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2904** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 447 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 447** at this time on its second reading:

CSHB 447, Relating to the powers of a defense base development authority.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 447 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 447** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 725 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSHB 725** at this time on its second reading:

CSHB 725, Relating to the operation, powers, and duties of certain water districts.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 725** by adding the following appropriately numbered SECTIONS to the bill accordingly:

SECTION _____. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8372 to read as follows:

CHAPTER 8372. BELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8372.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Bell County Municipal Utility District No. 1.

Sec. 8372.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8372.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8372.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8372.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8372.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8372.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

[Sections 8372.007-8372.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8372.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8372.052, directors serve staggered four-year terms.

Sec. 8372.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Roger Hunter;
- (2) Randy Reding;
- (3) David Barr;
- (4) Karen Walinder; and
- (5) David Lazar.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 8372.003; or
- (2) September 1, 2015.

(c) If permanent directors have not been elected under Section 8372.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 8372.003; or
- (2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8372.053-8372.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8372.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8372.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8372.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

Sec. 8372.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8372.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8372.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8372.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8372.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8372.107-8372.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8372.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8372.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8372.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8372.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8372.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8372.154-8372.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8372.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8372.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8372.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION ____. The Bell County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

Being all that certain tract or parcel of land situated in the C. H. Fitch Survey, A-316, the John Lewis Survey, A-512, the S.C. Fitch Survey, A-371, and the Young Williams Survey, A-861, Bell County, Texas, being all of Tract One (called 442.51 acres), Tract Two (called 23.923 acres), and Tract 4 (called 8.440 acres) described in deed to Weldon Whitis and Bruce Whitis in Volume 4441, Page 575, Official Records, Bell County, Texas, and all of that certain called 64.7 acre tract described in deed to Whitis Land Investments, Ltd., in Volume 6622, Page 114, Official Records, Bell County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod at the southeast corner of said Tract 4 (called 8.440 acres), same being in the north line of said Tract One (called 442.51 acres), also being the southwest corner of Tract Three (called 6.747 acres) also described in deed to Weldon Whitis and Bruce Whitis in Volume 4441, Page 575, Official Records, Bell County, Texas, for corner of the herein described tract,

THENCE N 17°42'07" E, 444.85 along the west line of said Tract Three and east line of said Tract Two to an iron pipe for corner of the herein described tract;

THENCE in a westerly direction along the north line of said Tract Three with the following courses:

1. N 88°11'16" W, 310.38 feet to an iron pipe;

2. S 83°11'40" W, 317.12 feet, to an iron pipe;
3. S 82°58'31" W, 246.70, feet to an iron pipe, for the northwest corner of said Tract Three;

THENCE in a southerly direction along the west line of said Tract Three with the following courses:

1. S 10°13'31" W, 26.66 feet;
2. S 29°13'59" E, 10.60 feet;
3. S 01°30'59" E 14.54 feet;
4. S 43°00'42" W, 24.35 feet;
5. S 61°37'21" W, 12.89 feet;
6. S 14°33'54" W, 88.90 feet, to an iron pipe in a fence corner, for an ell corner;

THENCE N 71°44'38" W, 190.17 feet, westerly, along a north line of said Tract Three to an iron rod in the north line of said Tract One;

THENCE in a westerly direction along the north line of said Tract One with the following courses:

1. N 70°34'14" W, 44.59 feet, an iron rod for corner;
2. N 72°25'22" W, 616.92 feet, an iron rod for corner;
3. N 74°43'06" W, 507.39 feet, an iron rod in the east line of said 64.7 acre tract, for corner;

THENCE N 15°55'53" E, 851.78 feet, westerly, along an east line of said 64.7 acre tract to a cedar, for the northeast corner of said 64.7 acre tract;

THENCE in a westerly direction a the north line of said 64.7 acre tract with the following courses:

1. N 48°17'37" W, 82.11 feet, a post for corner;
2. N 28°55'27" W, 225.01 feet, a post for corner;
3. N 58°18'37" W, 18.24 feet, an elm for corner;
4. N 75°42'40" W, 266.08 feet, an iron rod for corner;
5. N 75°23'12" W, 237.82 feet, an iron rod for corner;
6. N 73°19'20" W, 164.19 feet, an iron rod for the northeast corner of Lot 5, Block 6, Stoneoak Subdivision, Phase 2, recorded in Cabinet B, Slide 334-B, Plat Records, Bell County, Texas, for corner of the herein described tract;

THENCE along the easterly and southerly boundaries of Block 6, Stoneoak Subdivision, Phase 2 with the following courses:

1. S 14°37'25" W, 427.85 feet, an iron rod for corner;
2. S 39°36'49" W, 477.27 feet, an iron rod for corner;
3. N 50°23'11" W, 139.40 feet, an iron rod in the north margin of Stoneoak Dr., for corner;

THENCE S 39°36'49" W, 60.00 feet, to an iron rod in the south margin of Stoneoak Dr, for corner;

THENCE N 50°23'59" W, 99.90 feet, along the south margin of Stoneoak Dr., to an iron rod for the northeast corner of Block 3, Stoneoak Subdivision, Phase 2, for corner;

THENCE along the easterly and southerly boundaries of Block 3, Stoneoak Subdivision, Phase 2 with the following courses:

1. S 39°39'11" W, 139.38 feet, an iron rod for the northeast corner of Lot 5, Block 3, Stoneoak Subdivision, Phase 2, for corner;

2. N 50°23'11" W, 311.48 feet, an iron rod, for corner;
3. N 53°09'02" W, 458.34 feet, an iron rod for the southwest corner of Lot 1, Block 3, Stoneoak Subdivision, Phase 2, same being the southeast corner of Lot 1, Block 1, Stoneoak Subdivision, Phase 1, recorded in Cabinet B, Slide 236-B, Plat Records, Bell County, Texas, for corner;
THENCE N 53°50'25" W, 155.91 feet, along the south line of said Lot 1, Block 1, to an iron rod in the east margin of FM 1670, for corner;
THENCE S 27°04'56" W, 566.14 feet, along the east margin of FM 1670 for an iron rod in the north line of Lot 6, Block 1, Stoneoak Subdivision, Phase 1, for corner;
THENCE along the easterly and southerly boundaries of Lot Lot 6, Block 1, Stoneoak Subdivision, Phase 1, with the following courses:
 1. S 53°56'27" E, 155.87 feet, an iron rod for corner;
 2. S 27°04'53" W, 145.23 feet, an iron rod for the southeast corner of said Lot 6, Block 1, Stoneoak Subdivision, Phase 1, and corner of the herein described tract;
THENCE along the southeasterly along the southerly boundary of said 64.7 acre tract with the following courses:
 1. S 56°19'35" E, 696.11 feet, an iron rod, for corner;
 2. N 23°01'40" E, 18.36 feet, an iron rod, for corner;
 3. S 47°22'19" E, 1346.71 feet, an iron rod, in the west line of said Tract One and an ell corner of the herein described tract;
THENCE in a southerly direction along the fenced west line of said Tract One with the following courses:
 1. S 45°43'29" W, 521.79 feet, an iron rod, for corner;
 2. S 28°59'19" W, 430.76 feet, an iron rod, for corner;
 3. S 15°02'24" W, 590.71 feet, a 12" cedar, for corner;
 4. S 31°13'21" W, 11.21 feet, a 12" cedar, for corner;
 5. S 28°24'41" W, 2.53 feet, an iron rod for the north corner of the called 8.12 acre tract described in deed to the United States of America in Volume 874, Page 283, Deed Records of Bell County, Texas;
THENCE S 19°42'32" E, 1187.26 feet, along a east line of said 8.12 acre tract and west line of said Tract One to an iron pipe for the south corner of said 8.12 acre tract, for corner;
THENCE S 15°55'45" W, 377.40 feet, along a north west line of said Tract One to an iron pipe for the westerly southwest corner of the herein described tract;
THENCE S 78°41'13" E, 2847.43 feet, along a south line of said Tract One and existing fence to an iron pipe in a fence corner, same being an ell corner of the herein described tract;
THENCE S 12°34'41" W, 95.71 feet, to a point, for corner;
THENCE in a easterly direction 100' north of an parallel to the south line of said Tract One, south line of said Tract Two, and left bank of the Lampasas River with the following courses:
 1. N 59°59'13" E, 125.67 feet, a point, for corner;
 2. N 78°13'20" E, 288.55 feet, a point, for corner;
 3. S 69°41'17" E, 72.82 feet, a point, for corner;
 4. S 67°06'56" E, 275.14 feet, a point, for corner;
 5. S 58°22'11" E, 271.35 feet, a point, for corner

6. S 46°50'39" E, 512.57 feet, a point, for corner;
7. S 26°54'16" E, 299.38 feet, a point, for corner;
8. S 43°48'14" E, 309.26 feet, a point, for the southeast corner of the herein described tract;

THENCE in a northerly direction along the fenced east line of said Tract Two, and east line of the herein described tract, with the following courses:

1. N 14°02'58" E, 481.07 feet, a post, for corner;
2. N 02°07'12" W, 180.92 feet, a post, for corner;
3. N 10°32'57" E, 614.21 feet, a post, for corner;
4. N 49°54'32" E, 229.03 feet, a fence corner post for the northeast corner of said Tract Two;

THENCE in a westerly direction along a fenced north line of said Tract Two, and east line of the herein described tract, with the following courses:

1. N 72°21'30" W, 39.54 feet, an iron rod, for corner;
2. N 64°20'47" W, 70.85 feet, an iron rod in a fence corner in the east line of said Tract One, for corner of the herein described tract;

THENCE in a northerly direction along the fenced east line of said Tract One, and east line of the herein described tract, with the following courses:

1. N 53°59'40" E, 167.20 feet, an iron rod, for corner;
 2. N 59°20'36" E, 58.19 feet, an iron rod, for corner;
 3. N 62°55'16" E, 71.72 feet, an iron rod, for corner;
 4. N 69°11'44" E, 68.89 feet, an iron rod, for corner;
 5. N 62°45'31" E, 112.05 feet, an iron rod, for corner;
 6. N 73°56'23" E, 35.96 feet, an iron rod, for corner;
 7. N 61°52'10" E, 86.51 feet, an iron rod, for corner;
 8. N 51°31'36" E, 274.08 feet, an iron rod, for corner;
 9. N 45°30'37" E, 58.94 feet, an iron rod, for corner;
 10. N 35°22'34" E, 111.93 feet, an iron rod, for corner;
 11. N 24°37'26" E, 55.46 feet, an iron rod, for corner;
 12. N 02°52'20" E, 61.55 feet, an iron rod, for corner;
 13. N 05°33'08" W, 125.86 feet, an iron rod, for corner;
 14. N 42°54'00" W, 25.42 feet, an iron rod, for corner;
 15. N 83°42'20" W, 111.89 feet, a post, for corner;
 16. N 79°38'56" W, 59.70 feet, an iron rod, for corner;
 17. N 12°35'12" E, 319.71 feet, a 14" cedar, for corner;
 18. N 03°59'50" E, 60.17 feet, an iron rod, for corner;
 19. N 00°04'49" E, 10.78 feet, an iron rod, for corner;
 20. N 24°58'14" E, 56.12 feet, an iron rod, for corner;
 21. N 12°05'54" E, 554.94 feet, an iron rod, for corner;
 22. N 14°09'42" W, 13.29 feet, an iron rod, for corner;
 23. N 54°33'04" W, 43.94 feet, an iron rod, for corner;
 24. N 67°13'03" W, 67.22 feet, an iron rod, for corner;
 25. N 15°57'36" E, 766.87 feet, an iron rod in a fence corner, same being the most easterly northeast corner of said Tract One, for corner of the herein described tract;
- THENCE N 76°03'02" W, 608.28 feet, along the fenced north line of said Tract One to an iron rod in a fence corner for an ell corner of the herein described tract;

THENCE N 16°06'35" E, 385.98 feet, along a fenced east line of said Tract One to an iron pipe in a fence corner for corner;

THENCE N 74°31'12" W, 801.90 feet, along a fenced north line of said Tract One to an iron pipe in a fence corner for corner;

THENCE S 16°27'16" W, 399.55 feet, along a fenced line of said Tract One to an iron pipe in a fence corner for corner;

THENCE N 71°41'44" W, 1155.49 feet, along a fenced north line of said Tract One to an iron rod for the southeast corner of said Tract Three (called 6.747 acres), for corner;

THENCE N 71°42'51" W, 62.25 feet along the south line of said Tract Three and north line of said Tract One to the PLACE OF BEGINNING and containing a called mathematical total of 534.66 acres of land, more or less.

SECTION _____. (a) Section 8372.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8372, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8372.106 to read as follows:

Sec. 8372.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION _____. Except as provided by the Section ____ (preceding) of this Act, this Act takes effect September 1, 2011.

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 725** (senate committee printing) by adding the appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 36.002, Water Code, is amended to read as follows:

Sec. 36.002. OWNERSHIP OF GROUNDWATER. (a) The legislature recognizes that a landowner owns the groundwater below the surface of the landowner's land as real property. Groundwater ownership and rights may be transferred, conveyed, or leased in the same manner and by the same means as any other ownership interest in real property.

(b) The groundwater ownership and rights described by this section:

(1) entitle the landowner, including a landowner's lessees, heirs, or assigns, to drill for and produce the groundwater below the surface of real property, subject to Subsection (d), without causing waste or malicious drainage of other property or

negligently causing subsidence, but does not entitle a landowner, including a landowner's lessees, heirs, or assigns, to the right to capture a specific amount of groundwater below the surface of his land; and

(2) do not affect the existence of common law defenses or other defenses to liability under the rule of capture.

(c) Nothing [The ownership and rights of the owners of the land and their lessees and assigns in groundwater are hereby recognized, and nothing] in this code shall be construed as granting the authority to deprive [depriving] or divest a landowner, including a landowner's lessees, heirs, or assigns, [divesting the owners or their lessees and assigns] of the groundwater ownership and rights described by this section [or rights, except as those rights may be limited or altered by rules promulgated by a district].

(d) This section does not:

(1) prohibit a district from limiting or prohibiting the drilling of a well by a landowner for failure or inability to comply with minimum well spacing or tract size requirements adopted by the district;

(2) affect the ability of a district to regulate groundwater production as authorized under Section 36.113, 36.116, or 36.122 or otherwise under this chapter or a special law governing a district; or

(3) require that a rule adopted by a district allocate to each landowner a proportionate share of available groundwater for production from the aquifer based on the number of acres owned by the landowner [A rule promulgated by a district may not discriminate between owners of land that is irrigated for production and owners of land or their lessees and assigns whose land that was irrigated for production is enrolled or participating in a federal conservation program].

(e) This section does not affect the ability to regulate groundwater in any manner authorized under:

(1) Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, for the Edwards Aquifer Authority;

(2) Chapter 8801, Special District Local Laws Code, for the Harris-Galveston Subsidence District; and

(3) Chapter 8834, Special District Local Laws Code, for the Fort Bend Subsidence District.

SECTION ____. Section 36.101, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter. In adopting a rule under this chapter, a district [During the rulemaking process the board] shall:

(1) consider all groundwater uses and needs;

(2) [and shall] develop rules that [which] are fair and impartial;

(3) consider the groundwater ownership and rights described by Section

36.002;

(4) consider the public interest in conservation, preservation, protection, recharging, development and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and in controlling subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution;

(5) consider the goals developed as part of the district's comprehensive management plan under Section 36.1071; and

(6) [~~and that do~~] not discriminate between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program.

(a-1) Any rule of a district that discriminates between land that is irrigated for production and land that was irrigated for production and enrolled or participating in a federal conservation program is void.

The amendment to **CSHB 725** was read and was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Lucio, Rodriguez, Watson.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 725** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.2127 to read as follows:

Sec. 49.2127. WATER MANAGEMENT PLANS FOR CERTAIN SPECIAL WATER AUTHORITIES. (a) In this section:

(1) "Authority" means a special water authority to which this section applies under Subsection (b).

(2) "Firm water" means a stored supply of water for customers of an authority for which a continuous water supply has a higher priority during drought conditions than that of interruptible water customers. Firm water customers include municipalities, industries, and electric power plants.

(3) "Interruptible water" means a stored supply of water for customers of an authority that must be rationed or curtailed during drought conditions before firm water supplies.

(b) This section applies only to a special water authority whose water management plan consists of a reservoir operation plan for the operation of two water supply reservoirs and was:

(1) developed by an applicant for a permit under Chapter 11; and

(2) originally required by a court order adjudicating the water rights for those reservoirs.

(c) An authority's water management plan must:

(1) ensure adequate protection of firm water supplies so that the needs of firm water customers are met to the extent provided by previously adjudicated permits; and

(2) provide for curtailing water supplies under interruptible commitments before requesting that firm water customers institute voluntary water conservation measures.

SECTION _____. A special water authority to which Section 49.2127, Water Code, as added by this Act, applies shall adopt or amend its rules and its water management plan as required to implement Section 49.2127, Water Code, as added by this Act.

The amendment to **CSHB 725** was read.

POINT OF ORDER

Senator Hegar raised a Point of Order that Floor Amendment No. 3 to **CSHB 725** was not germane to the body of the bill.

Senator Fraser postponed further consideration of **CSHB 725** until tomorrow.

Question — Shall the Point of Order on Floor Amendment No. 3 to **CSHB 725** be sustained?

SENATE BILL 1927 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1927** at this time on its second reading:

SB 1927, Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

The motion prevailed.

Senator Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

SENATE BILL 1927 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1927** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Eltife in Chair)

(President Pro Tempore Ogden in Chair)

**VOTE RECONSIDERED ON
HOUSE BILL 1665**

Senator Van de Putte moved to reconsider the vote by which **HB 1665** was finally passed.

The motion prevailed by the following vote: Yeas 16, Nays 13.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Williams.

Absent: Huffman, Nelson.

HB 1665, Relating to the notification requirements regarding certain land use regulations in an area near military facilities.

Question — Shall **HB 1665** be finally passed?

Senator Fraser moved to postpone further consideration of **HB 1665** to a time certain of 12:00 noon tomorrow.

The motion prevailed.

Question — Shall **HB 1665** be finally passed?

**COMMITTEE SUBSTITUTE
HOUSE BILL 3134 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSHB 3134** at this time on its second reading:

CSHB 3134, Relating to the plugging of inactive oil and gas wells.

The motion prevailed.

Senator Ogden asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Ogden.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3134 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3134** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Ogden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 378 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSHB 378** at this time on its second reading:

CSHB 378, Relating to stationary tow trucks on a highway; providing a penalty.

The motion prevailed.

Senator Hegar asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Hegar.

**COMMITTEE SUBSTITUTE
HOUSE BILL 378 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 378** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**HOUSE BILL 3841 REREFERRED
(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **HB 3841** be withdrawn from the Committee on Transportation and Homeland Security and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

HOUSE BILL 1841 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1841** at this time on its second reading:

HB 1841, Relating to the taxability of Internet hosting.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1841 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1841** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

VOTE RECONSIDERED ON HOUSE BILL 92

Senator Estes moved to reconsider the vote by which **HB 92** was finally passed.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 92, Relating to the regulation of slaughterers by certain counties.

Question — Shall **HB 92** be finally passed?

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 92** on third reading by striking second reading Floor Amendment No. 1 by Estes.

The amendment to **HB 92** was read and was adopted by the following vote: Yeas 31, Nays 0.

On motion of Senator Estes and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

HB 92 as again amended was again finally passed by the following vote: Yeas 31, Nays 0.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read first time and referred to the committee indicated:

HCR 129 to Committee on Higher Education.

BILLS AND RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 27, HB 563, HB 699, HB 843, HB 848, HB 908, HB 1028, HB 1106, HB 1380, HB 1390, HB 1401, HB 1405, HB 1829, HB 1956, HB 2229, HB 3000, HCR 69, HCR 100, HB 35, HB 118, HB 184, HB 266, HB 315, HB 434, HB 460, HB 479, HB 625, HB 650, HB 679, HB 716, HB 726, HB 885, HB 988, HB 989, HB 993, HB 1061, HB 1130, HB 1174, HB 1263, HB 1344, HB 1449, HB 1488, HB 1503, HB 1545, HB 1566, HB 1567, HB 1570, HB 1674, HB 1779, HB 1861, HB 1862, HB 1869, HB 2033, HB 2035, HB 2144, HB 2251, HB 2271, HB 2351, HB 2360, HB 2376, HB 2495, HB 2615, HB 2631, HB 2670, HB 2699, HB 2866, HB 2920, HB 2935, HB 3004, HB 3141, HB 3255, HB 3389, HB 3487, HB 3570, HB 3847, HCR 33, HCR 143.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Education might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **HB 3866** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider **HCR 129** tomorrow at 7:30 a.m.

CO-AUTHOR OF SENATE BILL 1927

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-author of **SB 1927**.

CO-SPONSORS OF HOUSE BILL 335

On motion of Senator Birdwell, Senators Nelson and Patrick will be shown as Co-sponsors of **HB 335**.

CO-SPONSOR OF HOUSE BILL 3328

On motion of Senator Fraser, Senator Nelson will be shown as Co-sponsor of **HB 3328**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 18

On motion of Senator Shapiro, Senator Huffman will be shown as Co-sponsor of **HCR 18**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SCR 56 by Fraser, Recognizing John Cowan on the occasion of his retirement from the Texas Association of Dairymen.

SR 1039 by Nelson, Recognizing Lockheed Martin Aeronautics on the occasion of its 70th anniversary and on the success of its F-35 Joint Strike Fighter program.

SR 1041 by Hinojosa, Congratulating the Alice High School Academic Decathlon team on winning the 2011 national championship.

SR 1042 by Seliger, Recognizing Danny Fryar for his service to the people of Stanton and Martin County.

SR 1043 by Lucio, Recognizing Kim A. Cockins for his contributions to his community and his state.

SR 1046 by Lucio, Recognizing Janiece Longoria for her service on The University of Texas System Board of Regents.

HCR 164 (Seliger), Honoring Jean Hilfiger of Saint-Nabord, France, for his courageous actions in assisting U.S. military forces in France during World War II.

Official Designation Resolution

SR 1040 by Nelson, Recognizing the week of May 8 through 14, 2011, as National Hospital Week in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 6:12 p.m. adjourned, in memory of Ashley Therese Perret Harrison and Edward H. Harte, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 19, 2011

STATE AFFAIRS — **HB 1226, HB 1608, HB 1776, HB 2093, HB 2120, HB 2292, HB 3337**

CRIMINAL JUSTICE — **CSHB 1451**

HIGHER EDUCATION — **HB 1163, HB 1341, HB 2758, HB 2911, HB 3578, HB 3579**

STATE AFFAIRS — **CSHB 2817, CSHB 3409**

CRIMINAL JUSTICE — **CSHB 1907**

HEALTH AND HUMAN SERVICES — **CSHB 411**

EDUCATION — **HB 692, CSHB 742, HB 826, CSHB 968**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 1301**

EDUCATION — **CSHB 1334, CSHB 2135, HB 2366, HB 2971, CSHB 3278, HB 3506**

STATE AFFAIRS — **CSHB 1616**

JURISPRUDENCE — **CSHB 1111, HB 2900, HB 2899, CSHB 2717**

INTERGOVERNMENTAL RELATIONS — **HB 91, HB 361, HB 499, HB 1118, HB 1278, HB 1967, HB 1812, HB 2226, HB 2296, HB 2584, HB 2690, HB 2809, HB 2972, HB 3003, HB 3788, HB 554, HB 707, HB 831, HB 850, HB 1090**

ADMINISTRATION — **CSHB 3616**

INTERGOVERNMENTAL RELATIONS — HJR 63, HB 534, HB 709, HB 782, HB 844, HB 886, HB 1071, HB 1120, HB 1429, HB 1525, HB 1932, HB 2104, HB 2220, HB 2238, HB 2363, HB 3096, HB 3111, HB 3803, HB 3813, HB 3840, HB 3842, HB 3857

NATURAL RESOURCES — CSHB 2663, CSHB 2794

CRIMINAL JUSTICE — CSHB 3459, HB 289, HB 530, HB 961, HB 1083, HB 1137, HB 1173, HB 1205, HB 1402, HB 1822, HB 1823, HB 1891, HB 2006, HB 2118, HB 2889, HB 3346

TRANSPORTATION AND HOMELAND SECURITY — CSHB 2017

STATE AFFAIRS — CSHB 2089

GOVERNMENT ORGANIZATION — CSHB 2004, CSHB 2549, CSHB 3395

FINANCE — HB 2383, HB 2169

OPEN GOVERNMENT — HB 2460

TRANSPORTATION AND HOMELAND SECURITY — HB 42, HB 78, HB 384, HB 442, HB 673, HB 1330, HB 1422, HB 1473, HB 1541, HB 1737, HB 1750, HB 1960

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — HB 1784, HB 2417, HB 3580

BUSINESS AND COMMERCE — CSHB 2603, CSHB 2655, CSHB 1242, CSHB 2604

TRANSPORTATION AND HOMELAND SECURITY — HB 2080, HB 2138, HB 2141

GOVERNMENT ORGANIZATION — CSHB 2608

HIGHER EDUCATION — CSHB 3689, CSHB 1000

JURISPRUDENCE — CSHB 592

ECONOMIC DEVELOPMENT — HB 14

INTERGOVERNMENTAL RELATIONS — HB 1293

CRIMINAL JUSTICE — HB 2735

BUSINESS AND COMMERCE — CSHB 2592

INTERGOVERNMENTAL RELATIONS — CSHB 362, CSHB 1228, CSHB 1400, HB 1651, CSHB 1821, CSHB 2160

BUSINESS AND COMMERCE — HB 2594 (Amended), CSHB 2490, CSHB 213

BILLS ENGROSSED

May 18, 2011

SB 1425, SB 1916

RESOLUTIONS ENROLLED

May 18, 2011

SR 989, SR 990, SR 991, SR 1034, SR 1035, SR 1037, SR 1038

SIGNED BY GOVERNOR

May 19, 2011

**SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195,
SB 1272, SB 1303, SB 1490, SB 1568, SB 1716**

In Memory
of
Ashley Therese Perret Harrison
Senate Resolution 996

WHEREAS, The Senate of the State of Texas joins the citizens of Dallas in mourning the loss of Ashley Therese Perret Harrison, who died April 27, 2011, at the age of 22; and

WHEREAS, Ashley Harrison was born on January 10, 1989, in Dallas; she graduated from the Ursuline Academy of Dallas, and she spent her freshman year in college with a scholarship at Saint Edward's University; she spent her next three years at the University of Alabama, where she would have graduated with honors and a bachelor's degree in economics in December of 2011; she lost her life in the tornado that struck Tuscaloosa; and

WHEREAS, Throughout her life, Ashley excelled in athletics and in dance; she spent years working on her gymnastics techniques and on ballet, and she played for two years on the Texas National Lacrosse team; she was also dedicated to her work on behalf of numerous charitable causes, including Locks of Love; and

WHEREAS, Ashley dreamed of becoming a lawyer and had already worked for a time at the law firm of Phelps, Jenkins, Gibson and Fowler; she had been accepted into the United Bank of Switzerland's internship program in Washington, D.C., for the summer of 2011; and

WHEREAS, An exemplary young woman, Ashley was strong in character, high spirited, and generous and compassionate; she was noted for her beautiful smile and for her enthusiasm for living each day to the fullest, and she will be greatly missed by all who were privileged to share in her life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Ashley Therese Perret Harrison; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Ashley Harrison.

CARONA
NELSON
ZAFFIRINI

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FOURTH DAY

(Friday, May 20, 2011)

The Senate met at 11:14 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Gary M. Renfro, Corinth Missionary Baptist Church, Austin, offered the invocation as follows:

Bless the Lord, O my soul, and all that is within me, bless His holy name. Bless the Lord, O my soul, and forget not all His benefits. (Psalm 103:1-2) Father, we give You thanks for the benefits of a brand new day. We have the benefit of doing today what we could not or did not do on yesterday. We have the benefit of doing today those things which will secure our tomorrow. Thank You for the benefit of government and each person here who has devoted their time and energy in giving voice and veracity to the people of this state. May we be found worthy today of the many blessings and benefits You have bestowed upon us, I pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 20, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

SB 1581

Pursuant to a sustained point of order for violation of Article 3, Section 35(a) of the Texas Constitution, the house returns S.B. 1581 to the Senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 20, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 5 Zaffirini Sponsor: Branch
Relating to the administration and business affairs of public institutions of higher education.
(Amended)

SB 82 Nelson Sponsor: Gallego
Relating to the prosecution of the offense of stalking.

SB 101 Van de Putte Sponsor: Farias
Relating to the regulation of nonjudicial foreclosure on residences owned by certain members of the military, including foreclosure by a property owners' association.

SB 116 Uresti Sponsor: Castro
Relating to protective orders against dating violence.
(Amended)

SB 179 Estes Sponsor: Hardcastle
Relating to the service area of the North Central Texas College District.

SB 191 Nelson Sponsor: King, Susan
Relating to disposition of a contested case by the Texas Medical Board.

SB 199 West Sponsor: Hernandez Luna
Relating to agricultural projects in certain schools, including the eligibility of nonprofit organizations that partner with schools to receive grants.

SB 227 Nelson Sponsor: King, Susan
Relating to the nondisciplinary resolution of certain complaints filed against physicians.

- SB 283** Harris Sponsor: Scott
Relating to the appointment of associate judges in child protective services cases.
- SB 324** Jackson Sponsor: Davis, John
Relating to the course levels offered by the University of Houston-Clear Lake.
- SB 329** Watson Sponsor: Chisum
Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.
(Committee Substitute)
- SB 373** Duncan Sponsor: Darby
Relating to the office of county treasurer.
- SB 412** West Sponsor: Elkins
Relating to payment of costs of improvements of a public improvement district designated by a municipality or county.
- SB 434** Nelson Sponsor: Raymond
Relating to the establishment of a task force to address the relationship between domestic violence and child abuse and neglect.
- SB 470** Carona Sponsor: Anchia
Relating to an exception to disclosure under the public information law concerning officers and employees of a hospital district.
- SB 485** Huffman Sponsor: Carter
Relating to proper venue for certain criminal prosecutions of mortgage fraud.
- SB 493** Fraser Sponsor: Smith, Wayne
Relating to the idling of motor vehicles.
- SB 508** Lucio Sponsor: Lozano
Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.
- SB 510** Van de Putte Sponsor: Gutierrez
Relating to a voluntary statewide diabetes mellitus registry.
- SB 524** Hegar Sponsor: Morrison
Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.
- SB 579** Hegar Sponsor: Hancock
Relating to the total benefit amount under a prepaid funeral contract.
- SB 580** Hegar Sponsor: Morrison
Relating to community assistance and economic development program activities of the Lavaca-Navidad River Authority.
- SB 613** Rodriguez Sponsor: Alvarado
Relating to educational requirements for licensing as a speech-language pathologist or audiologist.
- SB 633** Hinojosa Sponsor: Hunter
Relating to the educational scope of Texas A&M University-Corpus Christi.

SB 639 Van de Putte Sponsor: Branch
Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.
(Committee Substitute)

SB 650 Hegar Sponsor: Cook
Relating to management of certain metropolitan rapid transit authorities.
(Amended)

SB 778 Williams Sponsor: Huberty
Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.

SB 866 Deuell Sponsor: Jackson, Jim
Relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.

SB 880 Whitmire Sponsor: Madden
Relating to the operation of pretrial intervention and certain other programs by a community supervision and corrections department.

SB 900 Gallegos Sponsor: Thompson
Relating to the Aldine Improvement District; providing authority to impose a tax.
(Amended)

SB 932 Williams Sponsor: Eiland
Relating to oyster beds and shells and an oyster shell recovery and replacement program.
(Committee Substitute)

SB 990 Carona Sponsor: Harper-Brown
Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties.

SB 1008 Carona Sponsor: Orr
Relating to the composition of the Finance Commission of Texas.

SB 1065 Williams Sponsor: Hamilton
Relating to critical incident stress management and crisis response services.

SB 1100 Shapiro Sponsor: Harper-Brown
Relating to the designation of the Irving Diamond Interchange.

SB 1184 Nichols Sponsor: Christian
Relating to the creation of the Timber Springs Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 34 (140 Yeas, 0 Nays, 3 Present, not voting)

HB 345 (140 Yeas, 0 Nays, 2 Present, not voting)

HB 413 (138 Yeas, 0 Nays, 2 Present, not voting)

HB 1136 (140 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 275 (non-record vote)

House Conferees: Pitts - Chair/Aycock/Darby/Giddings/Morrison

HB 1286 (non-record vote)

House Conferees: Howard, Donna - Chair/Aycock/Darby/Patrick, Diane/Veasey

HB 2154 (non-record vote)

House Conferees: Eiland - Chair/Hancock/Sheets/Smithee/Walle

HB 3726 (non-record vote)

House Conferees: Guillen - Chair/Deshotel/Kuempel/Larson/Price

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 316 (non-record vote)

House Conferees: Gallego - Chair/Christian/Hartnett/Rodriguez, Eddie/Woolley

SB 321 (non-record vote)

House Conferees: Kleinschmidt - Chair/Fletcher/Geren/Guillen/Hardcastle

SB 602 (non-record vote)

House Conferees: Marquez - Chair/Brown/Davis, Sarah/Gallego/Solomons

SB 647 (non-record vote)

House Conferees: Taylor, Larry - Chair/Anderson, Rodney/Hancock/Smithee/Vo

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1555 (140 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 1036

Senator Ellis offered the following resolution:

SR 1036, Congratulating the participants in the Texas Legislative Internship Program.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis, joined by Senators Zaffirini, Seliger, Rodriguez, Lucio, West, and Whitmire, was recognized and introduced to the Senate Texas Legislative Internship Program participants.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Nelson was recognized and presented Dr. Erica Swegler of Keller as the Physician of the Day.

The Senate welcomed Dr. Swegler and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE CONCURRENT RESOLUTION 55

The Presiding Officer laid before the Senate the following resolution:

SCR 55, In memory of the lives of John Clinton Formby and Margaret Clark Formby.

SELIGER
DUNCAN

The resolution was again read.

The resolution was previously adopted on Tuesday, May 17, 2011.

In honor of the memory of John Clinton Formby and Margaret Clark Formby, the text of the resolution is printed at the end of today's *Senate Journal*.

GUEST PRESENTED

Senator Seliger was recognized and introduced to the Senate Lisa Formby.

The Senate welcomed its guest and extended its sympathy.

ACKNOWLEDGMENTS

Senator Lucio was recognized and acknowledged the presence of State Representative Oliveira and State Representative Lucio.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was again recognized and introduced to the Senate students from Stell Middle School in Brownsville.

The Senate welcomed its guests.

SENATE RESOLUTION 925

Senator Van de Putte offered the following resolution:

SR 925, Recognizing Eric S. Cooper for receiving the 2011 Executive Director of the Year award from Feeding America.

The resolution was again read.

The resolution was previously adopted on Tuesday, May 10, 2011.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a San Antonio Food Bank delegation: Eric Cooper, President and CEO; Steve Koenig, Board Chair; and Mario Obledo.

The Senate welcomed its guests.

SENATE RESOLUTION 1045

Senator Zaffirini offered the following resolution:

SR 1045, Recognizing May 20, 2011, as GenTX Day at the State Capitol.

The resolution was read and was adopted without objection.

SENATE RESOLUTION 1009

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Hispanic Women's Network of Texas on the special occasion of its 25th anniversary; and

WHEREAS, The concept for the Hispanic Women's Network of Texas began in 1986 when several notable women came together to discuss the need for a statewide organization to address the specific needs of Hispanic women; and

WHEREAS, A steering committee was formed of 10 women from different geographic areas across the state who would poll their respective regions and meet in a statewide setting; a conference was held in Dallas in 1987 with 200 women from diverse backgrounds and occupations, who made a commitment to remain united and focus attention on common issues; that commitment remains at the forefront of the organization's efforts today; and

WHEREAS, Members of the Hispanic Women's Network of Texas work to cultivate the social, cultural, legal, and educational interests of Hispanic women, and they have supported and sponsored such events as the Women's Right to Vote Celebration, Hispanic Summit and Emerging Leaders Conference, and other educational, mentoring, and intergenerational programs; and

WHEREAS, The Hispanic Women's Network of Texas now has chapters in Austin, Corpus Christi, Dallas, Denton, Fort Worth, Houston, Laredo, the Rio Grande Valley, and San Antonio; members strive to celebrate and foster the positive image and values of the Hispanic culture; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend members of the Hispanic Women's Network of Texas for their continuing commitment, support, and recognition of the exceptional contributions of Hispanic women to their communities and this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate the 25th anniversary of the creation of the Hispanic Women's Network of Texas.

VAN DE PUTTE
ZAFFIRINI

SR 1009 was again read.

The resolution was previously adopted on Tuesday, May 17, 2011.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a Hispanic Women's Network delegation: Mary Ann Kellam, State Board Chair; Mary Jane Garza, State Board Chair-elect and Corpus Christi Chapter Board Chair; Helen Cedillo, State Parliamentarian; Maricela Martinez, State Secretary; Adela Gonzales,

Advisory Council; Marti Cascio, State Treasurer; Lupe Morin, Executive Director; Annia Zavala; Diana Cantu, Rio Grande Valley Chapter Board Chair; Adela Luna; Patty Mendoza, Austin Chapter Chair; and members: Irene Acosta, Gloria Ann Garcia, Tony Venzor, Monica Peraza, Yadira Gonzales, Claudia Nunez, Janie Cardenas, Liz Acosta Rutledge, Lupe Ochoa, and Lila Aguirre.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate fourth- and fifth-grade students from Daggett Montessori School, accompanied by their teacher, Linda Foster.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:02 p.m. announced the conclusion of morning call.

HOUSE BILL 2366 ON SECOND READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **HB 2366** at this time on its second reading:

HB 2366, Relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.

The motion prevailed.

Senator West asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: West.

HOUSE BILL 2366 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2366** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: West.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1992 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1992** at this time on its second reading:

CSHB 1992, Relating to the authority of the Texas Animal Health Commission to set and collect fees.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1992 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1992** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1120 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1120** at this time on its second reading:

HB 1120, Relating to the dissolution of the Country Place Management District.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1120 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1120** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2900 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2900** at this time on its second reading:

HB 2900, Relating to guardianship matters and proceedings.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2900** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION ____. Section 642, Texas Probate Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsections (a-1) and [Subsection] (b) of this section, any person has the right to commence any guardianship proceeding, including a proceeding for complete restoration of a ward's capacity or modification of a ward's guardianship, or to appear and contest any guardianship proceeding or the appointment of a particular person as guardian.

(a-1) A person who is not entitled to receive notice of the filing of an application for guardianship under Section 633(c) or (d) of this code must obtain leave of court to appear and contest a guardianship proceeding or the appointment of a particular person as guardian. The granting of leave by the court does not prevent any other party from subsequently challenging the person's standing to maintain the contest under Subsections (b) and (c) of this section.

SECTION ____. Section 665A, Texas Probate Code, is amended to read as follows:

Sec. 665A. PAYMENT FOR PROFESSIONAL SERVICES. The court shall order the payment of a fee in an amount set by the court that is fair and just as compensation to the attorneys, mental health professionals, and interpreters appointed under this chapter, as applicable, to be taxed as costs in the case. The court may allocate attorney's fees taxed as costs under this section among the parties as the court finds is fair and just. If after examining the proposed ward's assets the court determines the proposed ward is unable to pay for costs allocated to the proposed ward for services provided by an attorney, a mental health professional, or an interpreter appointed under this chapter, as applicable, the county is responsible for those costs [the cost of those services].

SECTION ____. Section 665B, Texas Probate Code, as amended by Chapters 314 (H.B. 587) and 930 (H.B. 3080), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 665B. PAYMENT OF ATTORNEY'S FEES TO CERTAIN ATTORNEYS.
(a) A court that creates a guardianship or creates a management trust under Section 867 of this code for a ward under this chapter, on request of a person who filed an application to be appointed guardian of the proposed ward, an application for the appointment of another suitable person as guardian of the proposed ward, or an application for the creation of the management trust, may authorize the payment of reasonable and necessary attorney's fees, as determined by the court, in amounts the court considers fair and just, to an attorney who represents the person who filed the application at the application hearing, regardless of whether the person is appointed the ward's guardian or whether a management trust is created, from:

(1) subject to Subsection (a-1) of this section, the parties to the guardianship proceeding, allocated as the court finds is fair and just; or

(2) subject to Subsection (a-1) of this section, available funds of the [ward's estate or] management trust, if created.

(a-1) The court may authorize amounts allocated to the ward's estate under Subsection (a)(1) of this section or amounts to be paid from available funds of the management trust as provided by Subsection (a)(2) of this section to instead be paid from the county treasury, [; or

(2)] subject to Subsection (c) of this section, [the county treasury] if:

(1) [(A)] the ward's estate or [; if created,] management trust [;] is insufficient to pay [for] the amounts [services provided by the attorney]; and

(2) [(B)] funds in the county treasury are budgeted for that purpose.

(b) The court may not authorize attorney's fees under this section unless the court finds that the applicant acted in good faith and for just cause in the filing and prosecution of the application.

(c) The court may authorize the payment of attorney's fees from the county treasury under Subsection (a-1) [(a)] of this section only if the court is satisfied that the attorney to whom the fees will be paid has not received, and is not seeking, payment for the services described by that subsection from any other source.

SECTION ____ . Subsection (a), Section 669, Texas Probate Code, is amended to read as follows:

(a) Except as provided by Subsection (b) of this section or Section 665A or 665B(a) of this code, in a guardianship matter, the cost of the proceeding, including the cost of the guardian ad litem or court visitor, shall be set in an amount the court considers fair and just and shall be paid out of the guardianship estate, or, if the estate is insufficient to pay for the cost of the proceeding, the cost of the proceeding shall be paid out of the county treasury, and the judgment of the court shall be issued accordingly.

SECTION ____ . Section 761, Texas Probate Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The court clerk shall issue notice of an order rendered by the court removing a guardian under Subsection (a)(1), (2), (3), (4), (6), (7), or (8) of this section. The notice must:

(1) state the names of the ward and the removed guardian;

(2) state the date the court signed the order of removal;

(3) contain the following statement printed in 12-point bold font:

"If you have been removed from serving as guardian under Section 761(a)(6) or (7), Texas Probate Code, you have the right to contest the order of removal by filing an application with the court for a hearing under Section 762, Texas Probate Code, to determine whether you should be reinstated as guardian. The application must be filed not later than the 30th day after the date the court signed the order of removal.";

(4) contain as an attachment a copy of the order of removal; and

(5) be personally served on the removed guardian not later than the seventh day after the date the court signed the order of removal.

SECTION ____ . Subsections (a), (c), and (d), Section 762, Texas Probate Code, are amended to read as follows:

(a) Not later than the 30th ~~[40th]~~ day after the date the court signs the order of removal, a guardian ~~[personal representative]~~ who is removed under Section 761(a)(6) ~~[Subsection (a)(6)]~~ or (7) ~~[, Section 761,]~~ of this code may file an application with the court for a hearing to determine whether the guardian ~~[personal representative]~~ should be reinstated.

(c) The court shall hold a hearing on an application for reinstatement under this section as soon as practicable after the application is filed, but not later than the 60th day after the date the court signed the order of removal. If, at the conclusion of the ~~[a]~~ hearing ~~[under this section]~~, the court is satisfied by a preponderance of the evidence that the applicant did not engage in the conduct that directly led to the applicant's removal, the court shall set aside an order appointing a successor guardian ~~[representative]~~, if any, and shall enter an order reinstating the applicant as guardian ~~[personal representative]~~ of the ward or estate.

(d) If the court sets aside the appointment of a successor guardian ~~[representative]~~ under this section, the court may require the successor guardian ~~[representative]~~ to prepare and file, under oath, an accounting of the estate and to detail the disposition the successor has made of the property of the estate.

SECTION ____ . The changes in law made by this Act to Section 642, Texas Probate Code, apply to a guardianship proceeding that is pending or commenced on or after the effective date of this Act.

SECTION ____ . The changes in law made by this Act to Sections 665A, 665B, and 669, Texas Probate Code, apply to a guardianship created before, on, or after the effective date of this Act.

SECTION ____ . The changes in law made by this Act to Sections 761 and 762, Texas Probate Code, apply only to a removal of a guardian ordered by a court on or after the effective date of this Act. A removal of a guardian ordered by a court before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

The amendment to **HB 2900** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2900 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2900 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2900** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1887 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1887** at this time on its second reading:

CSHB 1887, Relating to tax administration of and procedures for property tax protests and appeals; changing the elements of an offense.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1887** (Senate committee printing) in SECTION 17 of the bill, by striking added Section 42.30(d), Tax Code (page 7, lines 64-67), and substituting the following:

(d) A person may void an engagement that does not comply with this section. An attorney who does not comply with this section may be reported to the Office of Chief Disciplinary Counsel for the State Bar of Texas.

The amendment to **CSHB 1887** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1887 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1887 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1887** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 361 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 361** at this time on its second reading:

HB 361, Relating to the agricultural advisory board of an appraisal district.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 361 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 361** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2048 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2048** at this time on its second reading:

HB 2048, Relating to the collection and enforcement of state and local hotel occupancy taxes.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2048** (House engrossed version) as follows:

(1) In SECTION 1, page 1, line 11, between "interest" and "," insert "and amounts paid under protest"

(2) In SECTION 3, page 4, line 6, between "Chapter 156" and "," insert "and the assessment has become administratively final"

(3) In SECTION 5, page 5, line 7, between "Chapter 159" and "," insert "and the assessment has become administratively final"

The amendment to **HB 2048** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2048** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 351.101(a), Tax Code, as amended by Chapters 402 (H.B. 1789), 1220 (S.B. 1247), and 1322 (H.B. 3098), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity;

(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:

(A) the municipality owns the facilities or fields;

(B) the municipality:

(i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;

(ii) has a population of at least 65,000 but not more than 70,000 and is located in a county that has a population of 155,000 or less;

(iii) has a population of at least 34,000 but not more than 36,000 and is located in a county that has a population of 90,000 or less;

(iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;

(v) has a population of at least 65,000 but less than 80,000 and no part of which is located in a county with a population greater than 150,000; ~~or~~

(vi) is located in a county that:

(a) is adjacent to the Texas-Mexico border;

(b) has a population of at least 500,000; and

(c) does not have a municipality with a population greater than 500,000; or

(vii) has a population of at least 25,000 but not more than 26,000 and is located in a county that has a population of 90,000 or less; and

(C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments; ~~and~~

(8) for a municipality with a population of at least 65,000 but less than 80,000, no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;

(9) ~~(8)~~ signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality; and

(10) ~~(8)~~ the construction of a recreational venue in the immediate vicinity of area hotels, if:

(A) the municipality:

(i) is a general-law municipality;

(ii) has a population of not more than 900; and

(iii) does not impose an ad valorem tax;

(B) not more than \$100,000 of municipal hotel occupancy tax revenue is used for the construction of the recreational venue;

(C) a majority of the hotels in the municipality request the municipality to construct the recreational venue;

(D) the recreational venue will be used primarily by hotel guests; and

(E) the municipality will pay for maintenance of the recreational venue from the municipality's general fund.

(b) To the extent of any conflict, this section prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

(c) Notwithstanding any other provision of this Act, this section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to have immediate effect, this section takes effect September 1, 2011.

The amendment to **HB 2048** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2048 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2048 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2048** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 590 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 590** at this time on its second reading:

HB 590, Relating to amended sales tax reports and the reallocation of sales tax revenue.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 590** (senate committee printing) by adding the following new appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 321.002, Tax Code, is amended to read as follows:

Sec. 321.002. DEFINITIONS.

(a) In this chapter:

(1) "Additional municipal sales and use tax" means only the additional tax authorized by Section 321.101(b).

(2) "Municipality" includes any incorporated city, town, or village.

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business [engaged in activities to which this chapter applies] to process for that business invoices, purchase orders, [or] bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

(b) Words used in this chapter and defined by Chapter 151 have the meanings assigned by Chapter 151.

SECTION _____. SECTION _____ as added by this amendment takes effect September 1, 2011.

The amendment to **HB 590** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 590 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 590 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 590** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Deuell and by unanimous consent, the remarks by Senators Deuell and Patrick regarding **HB 590** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Deuell: Are you familiar with traditional purchasing companies, companies that typically are part of an affiliated group of companies and exist to generate economic benefits through economies of scale, negotiated purchasing contracts, and group discounts, or other similar legitimate business functions?

Senator Patrick: Yes, I am.

Senator Deuell: Are you aware that at the time we passed the 2003 bill, our intent was to stop those billing office types of arrangements without affecting traditional purchasing companies and legitimate rebates where a city might agree to return a portion of the economic development sales tax to reimburse a developer for infrastructure or a true investment in the community that inserted value into the tax base?

Senator Patrick: Yes, I am. And it is not my intent with this amendment to change the way traditional purchasing companies are treated for municipal sales tax purposes.

Senator Deuell: To summarize then, your amendment is intended to tighten up and further the original intent of the 2003 legislation, while continuing to treat a traditional purchasing company as a "place of business of the retailer" for municipal sales tax purposes. Correct?

Senator Patrick: Correct.

HOUSE BILL 707 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 707** at this time on its second reading:

HB 707, Relating to the validation of certain governmental acts and proceedings of certain municipalities relating to certain public improvement districts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 707 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 707** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 257 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 257** at this time on its second reading:

CSHB 257, Relating to certain unclaimed property that is presumed abandoned.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 257 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 257** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Friday, May 20, 2011 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 21 Gallego

Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

HCR 71 Martinez Fischer

Conferring the Texas Legislative Medal of Honor on U.S. Marine Corporal Roy Cisneros of San Antonio.

HCR 124 Torres

Designating September 15 to October 15 as Latino Texan Month for a 10-year period beginning in 2011.

HCR 144 Parker

Designating June 2 as Italian Heritage Day for a 10-year period, beginning in 2011.

SB 27 Zaffirini Sponsor: Branch

Relating to policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

SB 61 Zaffirini Sponsor: Walle

Relating to juvenile case managers.

(Committee Substitute)

SB 166 Shapiro Sponsor: Madden

Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

(Amended)

SB 233 Deuell Sponsor: Driver

Relating to the creation of the Rowlett Pecan Grove Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

(Committee Substitute)

SB 234 Deuell Sponsor: Driver

Relating to the creation of the Rowlett Downtown Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

(Committee Substitute)

SB 260 West Sponsor: Raymond

Relating to minimum training standards for employees of certain child-care facilities.

(Amended)

- SB 490** Fraser Sponsor: Miller, Sid
Relating to the Hamilton County Hospital District.
- SB 888** Carona Sponsor: Harper-Brown
Relating to the authority of a regional transportation authority to create a local government corporation.
- SB 1132** Hegar Sponsor: Thompson
Relating to the water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir.
- SB 1197** Rodriguez Sponsor: Hartnett
Relating to trusts.
- SB 1243** West Sponsor: Coleman
Relating to the use of a county risk management pool by certain county and district officers instead of the execution of bonds and to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.
- SB 1291** Hegar Sponsor: Taylor, Larry
Relating to the budget of certain divisions of the Texas Department of Insurance.
- SB 1378** Nichols Sponsor: Otto
Relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.
- SB 1518** Eltife Sponsor: Guillen
Relating to the powers and duties of the Texas Historical Commission; imposing a penalty.
- SB 1618** Seliger Sponsor: Craddick
Relating to reporting requirements of state agencies and school districts.
- SB 1630** Birdwell Sponsor: Fletcher
Relating to the regulation of residential appliance installation, including pool-related electrical devices, under the Texas Electrical Safety and Licensing Act.
- SB 1635** Davis Sponsor: Farias
Relating to contributions to the fund for veterans' assistance.
- SB 1661** Duncan Sponsor: Hunter
Relating to the regulation of health organizations certified by the Texas Medical Board; imposing an administrative penalty.
- SB 1739** Davis Sponsor: Pickett
Relating to the use of the fund for veterans' assistance.
- SB 1882** Patrick Sponsor: Fletcher
Relating to the creation of Harris County Improvement District No. 22; providing authority to levy an assessment, impose a tax, and issue bonds.
- SB 1895** Hegar Sponsor: Morrison
Relating to director elections and powers of the Texana Groundwater Conservation District.

SB 1922 Lucio Sponsor: Oliveira
 Relating to the creation of the Port Isabel Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SCR 5 Hinojosa Sponsor: Hunter
 Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

SCR 10 Ellis Sponsor: Dukes
 Designating February 21 through 27 of each year from 2011 through 2020 as Barbara Jordan Freedom Week.

SCR 18 Hegar Sponsor: Kuempel
 Designating a portion of the city of Gonzales as the official Texas History Museum District.

SCR 39 Shapiro Sponsor: Hochberg
 Designating the month of April each year from 2011 through 2020 as Genocide Awareness and Prevention Month.

Respectfully,
 /s/Robert Haney, Chief Clerk
 House of Representatives

HOUSE BILL 2809 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2809** at this time on its second reading:

HB 2809, Relating to the authority of the board of the Greater Texoma Utility Authority to approve changes in a construction contract.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2809 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2809** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1525 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1525** at this time on its second reading:

HB 1525, Relating to the board of directors of the Greater East End Management District.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1525 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1525** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 414 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 414** at this time on its second reading:

HB 414, Relating to the conducting of licensing examinations by the State Board of Veterinary Medical Examiners.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 414** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 801.002, Occupations Code, is amended by adding Subdivisions (3-a) and (4-a) to read as follows:

(3-a) "Equine dentistry" means any diagnosis, treatment, or surgical procedure performed on the head or oral cavity of an equine animal. The term includes:

(A) any procedure that invades the tissues of the oral cavity, including a procedure to:

(i) remove sharp enamel projections;

(ii) treat malocclusions of the teeth;

(iii) reshape teeth; and

(iv) extract one or more teeth;

(B) the treatment or extraction of damaged or diseased teeth;

(C) the treatment of diseased teeth through restoration and endodontic

procedures;

(D) periodontal treatments, including:

(i) the removal of calculus, soft deposits, plaque, and stains above the gum line; and

(ii) the smoothing, filing, and polishing of tooth surfaces; and

(E) dental radiography.

(4-a) "Licensed equine dental provider" means a person who holds a license to practice equine dentistry issued under this chapter.

SECTION _____. Section 801.151, Occupations Code, is amended by amending Subsection (c) and adding Subsections (e) and (f) to read as follows:

(c) The board shall adopt rules to:

(1) protect the public; ~~and~~

(2) ensure that alternate therapies, including ultrasound diagnosis and therapy, magnetic field therapy, holistic medicine, homeopathy, chiropractic treatment, acupuncture, and laser therapy, are performed only by a veterinarian or under the supervision of a veterinarian; and

(3) ensure that equine dentistry is performed only by a veterinarian who is active and in good standing or by a licensed equine dental provider who is active and in good standing under the appropriate level of supervision of a veterinarian who is active and in good standing and who has established a veterinarian-client-patient relationship with the owner or other caretaker of an animal and the animal in accordance with Section 801.351.

(e) The board shall adopt rules to implement a jurisprudence examination for licensed equine dental providers, including rules relating to the development and administration of the examination, examination fees, guidelines for reexamination, examination grading, and provision of notice of examination results.

(f) The board may not adopt rules that unreasonably restrict the selection by the owner or other caretaker of an animal of a licensed equine dental provider who is in good standing to provide equine dental services.

SECTION _____. Subsections (b) and (d), Section 801.154, Occupations Code, are amended to read as follows:

(b) The veterinarian license renewal fee set by the board under this chapter is the amount set by the board under Subsection (a) and an additional fee of \$200.

(d) The additional fee under Subsection (b) does not apply to a veterinarian ~~[license holder]~~ who is:

(1) exempt from paying the renewal fee under Section 801.304; or

(2) placed on inactive status as provided by Section 801.306.

SECTION _____. Section 801.156, Occupations Code, is amended to read as follows:

Sec. 801.156. REGISTRY. (a) The board shall maintain a record of each license holder's ~~[veterinarian's]~~:

(1) name;

(2) residence address; and

(3) business address.

(b) A license holder ~~[veterinarian]~~ shall notify the board of a change of business address or employer not later than the 60th day after the date the change takes effect.

SECTION _____. Subsection (b), Section 801.203, Occupations Code, is amended to read as follows:

(b) The board shall list with its regular telephone number any toll-free telephone number established under other state law for presenting a complaint about a license holder ~~[veterinarian]~~.

SECTION _____. Subsection (b), Section 801.2056, Occupations Code, is amended to read as follows:

(b) A complaint delegated under this section shall be referred for informal proceedings under Section 801.408 if:

- (1) the committee determines that the complaint should not be dismissed or settled;
- (2) the committee is unable to reach an agreed settlement; or
- (3) the license holder ~~[veterinarian]~~ who is the subject of the complaint requests that the complaint be referred for informal proceedings.

SECTION _____. Sections 801.251 and 801.252, Occupations Code, are amended to read as follows:

Sec. 801.251. LICENSE REQUIRED FOR PRACTICE OF VETERINARY MEDICINE. Except as provided by Section 801.004, a person may not practice, or offer or attempt to practice, veterinary medicine unless the person holds a license to practice veterinary medicine issued under this chapter.

Sec. 801.252. ELIGIBILITY REQUIREMENTS FOR LICENSE TO PRACTICE VETERINARY MEDICINE. The board shall issue a license to practice veterinary medicine to a person who is qualified to be licensed to practice veterinary medicine under this chapter. A person is qualified to be licensed to practice veterinary medicine if:

- (1) the person has attained the age of majority;
- (2) the person is a graduate of a board-approved school or college of veterinary medicine;
- (3) the person successfully completes the licensing examination for veterinarians conducted by the board; and
- (4) the board does not refuse to issue a license to the person under Section 801.401.

SECTION _____. The heading to Section 801.253, Occupations Code, is amended to read as follows:

Sec. 801.253. LICENSING EXAMINATIONS FOR VETERINARIANS.

SECTION _____. Subsection (a), Section 801.253, Occupations Code, is amended to read as follows:

(a) The board shall hold a regular meeting at least twice each year to conduct licensing examinations for veterinarians as provided by board rule. The board shall conduct the examination at a time and place the board determines is convenient for applicants.

SECTION _____. The heading to Section 801.256, Occupations Code, is amended to read as follows:

Sec. 801.256. SPECIAL LICENSE TO PRACTICE VETERINARY MEDICINE.

SECTION _____. Subsection (a), Section 801.256, Occupations Code, is amended to read as follows:

(a) The board may issue a special license to practice veterinary medicine to an applicant who is:

- (1) a member of the faculty or staff of a board-approved veterinary program at an institution of higher education;

(2) a veterinarian employee of the Texas Animal Health Commission;

(3) a veterinarian employee of the Texas Veterinary Medical Diagnostic Laboratory; or

(4) a person licensed to practice veterinary medicine in another jurisdiction, if the board determines that the person's specialty practice is unrepresented or underrepresented in this state.

SECTION _____. The heading to Section 801.257, Occupations Code, is amended to read as follows:

Sec. 801.257. PROVISIONAL LICENSE TO PRACTICE VETERINARY MEDICINE.

SECTION _____. Subsection (a), Section 801.257, Occupations Code, is amended to read as follows:

(a) The board may grant a provisional license to practice veterinary medicine to an applicant who presents proof that the applicant:

(1) is licensed in good standing as a veterinarian in another state that:

(A) has licensing requirements substantially equivalent to the requirements of this chapter; and

(B) maintains professional standards the board considers equivalent to the professional standards of this chapter; and

(2) has passed a national or other examination recognized by the board relating to veterinary medicine.

SECTION _____. Section 801.258, Occupations Code, is amended to read as follows:

Sec. 801.258. TEMPORARY LICENSE TO PRACTICE VETERINARY MEDICINE. The board by rule may provide for the issuance of a temporary license to practice veterinary medicine.

SECTION _____. Subchapter F, Chapter 801, Occupations Code, is amended by adding Sections 801.259, 801.260, 801.261, 801.262, 801.263, and 801.264 to read as follows:

Sec. 801.259. LICENSED EQUINE DENTAL PROVIDER DESIGNATIONS.
(a) Subject to Subsection (b), a person may not represent to the public that the person is authorized to perform equine dentistry or use the titles "dentist," "certified equine dental provider," "equine dental provider," "CEDP," or "EDP" unless the person is licensed to practice equine dentistry under this chapter.

(b) Only a licensed equine dental provider who is certified in accordance with Section 801.261(a)(3) may use the title "certified equine dental provider" or the designation "CEDP." Only a licensed equine dental provider who is licensed before September 1, 2013, and who is not certified in accordance with Section 801.261(a)(3) may use the title "equine dental provider" or the designation "EDP."

Sec. 801.260. LICENSE REQUIRED FOR EQUINE DENTISTRY. A person may not perform equine dentistry or offer or attempt to act as an equine dental provider unless the person is:

(1) a veterinarian who is active and in good standing; or

(2) a licensed equine dental provider who is active and in good standing performing under the supervision of a veterinarian who is active and in good standing.

Sec. 801.261. LICENSED EQUINE DENTAL PROVIDER: APPLICATION, QUALIFICATIONS, AND ISSUANCE. (a) The board shall issue an equine dental provider license to a person who is qualified under this section. A person is qualified to be licensed as an equine dental provider if the person:

(1) passes a jurisprudence examination conducted by the board in accordance with Section 801.264;

(2) is not disqualified under this chapter or board rule; and

(3) is certified by the International Association of Equine Dentistry or another board-approved certification entity or organization.

(b) An applicant for an equine dental provider license must submit to the board:

(1) an application on the form prescribed by the board;

(2) information to enable the board to conduct a criminal background check as required by the board; and

(3) any other information required by the board.

Sec. 801.262. SCOPE OF PRACTICE OF LICENSED EQUINE DENTAL PROVIDER. (a) A licensed equine dental provider may not perform equine dentistry unless the provider is active and in good standing and performs equine dentistry under the general supervision of a veterinarian who is active and in good standing.

(b) A licensed equine dental provider may perform only the following equine dental procedures:

(1) removing sharp enamel points;

(2) removing small dental overgrowths;

(3) rostral profiling of the first cheek teeth;

(4) reducing incisors;

(5) extracting loose, deciduous teeth;

(6) removing supragingival calculus;

(7) extracting loose, mobile, or diseased teeth or dental fragments with minimal periodontal attachments by hand and without the use of an elevator; and

(8) removing erupted, non-displaced wolf teeth.

(c) Subsection (b) may not be construed to prohibit an employee of a veterinarian who is not a licensed equine dental provider from performing the equine dental procedures described in Subsection (b) if the employee is under the direct supervision of a veterinarian.

(d) A copy of the dental chart of an equine animal is to be left with the person who authorizes an equine dental procedure and is to be made available to the supervising veterinarian upon request.

Sec. 801.263. LICENSED EQUINE DENTAL PROVIDER RESPONSIBILITY. A licensed equine dental provider shall be held to the same standard of care as a veterinarian when the provider performs the equine dental procedures described in Section 801.262(b).

Sec. 801.264. JURISPRUDENCE EXAMINATION. The board shall develop and administer a jurisprudence examination for licensed equine dental providers to determine an applicant's knowledge of this chapter, board rules, and any other applicable laws of this state affecting the applicant's equine dentistry practice.

SECTION _____. Subsections (b) and (c), Section 801.303, Occupations Code, are amended to read as follows:

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board a renewal fee that is equal to the sum of 1-1/2 times the renewal fee set by the board under Section 801.154(a) and the additional fee required by Section 801.154(b), if applicable.

(c) A person whose license has been expired for more than 90 days but less than one year may renew the license by paying to the board a renewal fee that is equal to the sum of two times the renewal fee set by the board under Section 801.154(a) and the additional fee required by Section 801.154(b), if applicable.

SECTION _____. Section 801.304, Occupations Code, is amended to read as follows:

Sec. 801.304. FEE EXEMPTION. A veterinarian [~~license holder~~] is exempt from the fee requirements imposed under Section 801.303 if the veterinarian [~~license holder~~]:

(1) is on active duty with the Armed Forces of the United States and does not engage in private or civilian practice; or

(2) is permanently and totally retired.

SECTION _____. Subsection (a), Section 801.305, Occupations Code, is amended to read as follows:

(a) A person who was licensed to practice veterinary medicine in this state, moved to another state, and is currently licensed in good standing and has been in practice in the other state for the two years preceding the date of application may obtain a new license to practice veterinary medicine without reexamination.

SECTION _____. Section 801.306, Occupations Code, is amended to read as follows:

Sec. 801.306. INACTIVE STATUS. The board by rule may provide for the placement of a license holder [~~veterinarian~~] on inactive status. The rules adopted under this section must include a limit on the time a license holder [~~veterinarian~~] may remain on inactive status.

SECTION _____. Subsections (a) and (b), Section 801.307, Occupations Code, are amended to read as follows:

(a) The board by rule shall establish a minimum number of hours of continuing education required to renew a license to practice veterinary medicine. The board shall require eight hours of continuing education annually to renew an equine dental provider license.

(b) The board may:

(1) establish general categories of continuing education that meet the needs of license holders [~~veterinarians~~]; and

(2) require a license holder [~~veterinarian~~] to successfully complete continuing education courses.

SECTION _____. Subsections (b) and (c), Section 801.352, Occupations Code, are amended to read as follows:

(b) A veterinarian may not:

(1) allow a person who does not hold a license to practice veterinary medicine issued under this chapter to interfere with or intervene in the veterinarian's practice of veterinary medicine; or

(2) submit to interference or intervention by a person who does not hold a license to practice veterinary medicine issued under this chapter.

(c) A veterinarian shall avoid a relationship that may result in interference with or intervention in the veterinarian's practice of veterinary medicine by a person who does not hold a license to practice veterinary medicine issued under this chapter.

SECTION _____. Section 801.3541, Occupations Code, is amended to read as follows:

Sec. 801.3541. LOCATION OF VETERINARY PRACTICE. The premises on which a veterinary practice is located may be owned by a person or other legal entity that does not hold a license to practice veterinary medicine issued under this chapter.

SECTION _____. Sections 801.402, 801.403, and 801.404, Occupations Code, are amended to read as follows:

Sec. 801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(1) presents to the board dishonest or fraudulent evidence of the person's qualifications;

(2) commits fraud or deception in the examination process or to obtain a license;

(3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs;

(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine or the practice of equine dentistry;

(5) is convicted of a felony under the laws of this state, another state, or the United States;

(6) engages in practices or conduct that violates the board's rules of professional conduct;

(7) permits another to use the person's license to practice veterinary medicine or to practice equine dentistry in this state;

(8) fraudulently issues a health certificate, vaccination certificate, test chart, or other form used in the practice of veterinary medicine or the practice of equine dentistry that relates to the presence or absence of animal disease;

(9) issues a false certificate relating to the sale for human consumption of inedible animal products;

(10) commits fraud in connection with the application or reporting of a test of animal disease;

(11) pays or receives a kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary or equine dental services or goods;

(12) performs or prescribes unnecessary or unauthorized treatment;

(13) orders a prescription drug or controlled substance for the treatment of an animal without first establishing a veterinarian-client-patient relationship;

(14) refuses to admit a board representative to inspect the person's client and patient records and business premises during regular business hours;

(15) fails to keep the person's equipment and business premises in a sanitary condition;

(16) commits gross malpractice or a pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine or the practice of equine dentistry; or

(17) is subject to disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine or to practice equine dentistry issued by another jurisdiction.

Sec. 801.403. FAILURE TO REPORT DISEASE. The board may suspend or revoke a license to practice veterinary medicine, place a veterinarian [license holder] on probation, or reprimand a veterinarian [license holder] if the veterinarian [license holder] knowingly fails to report a disease to the Texas Animal Health Commission as required by Section 161.101, Agriculture Code.

Sec. 801.404. FAILURE TO MAINTAIN RECORDS. The board may suspend or revoke a license to practice veterinary medicine issued under this chapter or place on probation a veterinarian [license holder] if the veterinarian [license holder] fails to maintain records as required by Section 801.359.

SECTION _____. Subsection (a), Section 801.502, Occupations Code, is amended to read as follows:

(a) The board, through the attorney general or a district or county attorney, may bring an action for an injunction, or a proceeding incident to an injunction, to:

(1) enforce this chapter; or

(2) enjoin a person, including a corporation, organization, business trust, estate, trust, partnership, association, or other legal entity, from practicing veterinary medicine or equine dentistry in violation of this chapter.

SECTION _____. Subsections (a) and (b), Section 801.506, Occupations Code, are amended to read as follows:

(a) A sole proprietorship, partnership, or corporation may not engage in veterinary medicine unless the owner, each partner, or each shareholder, as appropriate, holds a license to practice veterinary medicine issued under this chapter.

(b) A corporation, organization, business trust, estate, trust, partnership, association, or other legal entity not owned exclusively by one or more persons licensed to practice veterinary medicine under this chapter may not engage in veterinary medicine.

SECTION _____. Subsection (a), Section 801.508, Occupations Code, is amended to read as follows:

(a) If it appears to the board that a person is engaging in an act or practice that constitutes the practice of veterinary medicine without a license or the practice of equine dentistry without a license under this chapter, the board, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.

SECTION _____. Chapter 801, Occupations Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. EQUINE DENTAL PROVIDER ADVISORY COMMITTEE

Sec. 801.551. EQUINE DENTAL PROVIDER ADVISORY COMMITTEE.

(a) The equine dental provider advisory committee is an informal advisory committee to the board and is not subject to Chapter 2110, Government Code.

(b) The advisory committee does not have any independent rulemaking authority but shall advise and assist the board in adopting rules relating to licensed equine dental providers.

(c) The board shall consult the advisory committee regarding matters relating to a disciplinary action that involves a licensed equine dental provider.

Sec. 801.552. APPOINTMENT OF ADVISORY COMMITTEE. (a) The equine dental provider advisory committee is composed of three members appointed by the presiding officer of the board as follows:

(1) two members who are licensed equine dental providers, have resided in and engaged in the practice of smoothing or filing teeth by floating in this state for the five years immediately preceding the date of appointment, and are of good repute; and

(2) one veterinarian member who is active and in good standing and who supervises a licensed equine dental provider.

(b) Notwithstanding Subsection (a)(1), the advisory committee members appointed under Subsection (a)(1) are not required to hold a license to practice equine dentistry issued under this chapter until September 1, 2012. This subsection expires September 1, 2013.

(c) Appointments to the advisory committee shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 801.553. TERMS; VACANCY. (a) Members of the equine dental provider advisory committee are appointed for staggered six-year terms. The terms of the members expire on February 1 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the presiding officer of the board shall appoint a new member to fill the unexpired term.

(c) An advisory committee member may not serve more than two consecutive full terms.

Sec. 801.554. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the equine dental provider advisory committee that a member:

(1) does not have at the time of appointment the qualifications required by Section 801.552;

(2) does not maintain during service on the advisory committee the qualifications required by Section 801.552; and

(3) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term.

(b) The validity of an action of the advisory committee is not affected by the fact that it is taken when a ground for removal of an advisory committee member exists.

Sec. 801.555. OFFICERS. The presiding officer of the board shall designate biennially an equine dental provider advisory committee member as the presiding officer of the advisory committee to serve in that capacity at the will of the presiding officer of the board.

Sec. 801.556. REIMBURSEMENT; COMPENSATION. An equine dental provider advisory committee member is not entitled to reimbursement for travel expenses or compensation.

Sec. 801.557. MEETINGS. (a) The equine dental provider advisory committee shall meet at the call of the presiding officer of the board.

(b) A meeting may be held by telephone conference call.

SECTION _____. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0995 to read as follows:

Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS.
The State Board of Veterinary Medical Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license to practice equine dentistry under Chapter 801, Occupations Code; or

(2) the holder of a license under that chapter.

SECTION _____. (a) Not later than October 1, 2011, the presiding officer of the State Board of Veterinary Medical Examiners shall appoint the initial members of the equine dental provider advisory committee established under Subchapter L, Chapter 801, Occupations Code, as added by this Act, with the term of one member expiring February 1, 2013, the term of one member expiring February 1, 2015, and the term of one member expiring February 1, 2017.

(b) Not later than June 1, 2012, the State Board of Veterinary Medical Examiners, in consultation with the equine dental provider advisory committee established under Subchapter L, Chapter 801, Occupations Code, as added by this Act, shall adopt the rules, procedures, and jurisprudence examination required to implement the licensure of equine dental providers under Chapter 801, Occupations Code, as amended by this Act.

(c) Notwithstanding Section 801.260, Occupations Code, as added by this Act, a person employed as an equine dental provider is not required to hold a license under Chapter 801, Occupations Code, and is not subject to the imposition of a penalty for not holding a license under that chapter before September 1, 2012.

SECTION _____. (a) Before September 1, 2013, the State Board of Veterinary Medical Examiners shall issue a provisional equine dental provider license required by Section 801.260, Occupations Code, as added by this Act, to a person who is not certified by the International Association of Equine Dentistry or another board-approved entity or organization if the person:

(1) presents proof of graduation from or completion of 280 hours of course work at a dental school; and

(2) submits, with the application and other information required under Subsection (b), Section 801.261, Occupations Code, as added by this Act:

(A) three notarized affidavits in which equine owners or industry professionals who are residents of this state state that they know the person and that the person is known in the community to be competent in the practice of smoothing or filing teeth by floating; and

(B) three letters of recommendation from veterinarians licensed to practice in this state.

(b) A license issued under this section may be renewed in the same manner as a license issued to a person under Section 801.261, Occupations Code, as added by this Act.

(c) This section expires September 1, 2013.

The amendment to **HB 414** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 414 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 414 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 414** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3506 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **HB 3506** at this time on its second reading:

HB 3506, Relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell.

HOUSE BILL 3506 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3506** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 3857 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3857** at this time on its second reading:

HB 3857, Relating to the creation of the Near Northside Management District.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3857 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3857** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3391 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3391** at this time on its second reading:

HB 3391, Relating to rainwater harvesting and other water conservation initiatives.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3391** (senate committee printing) as follows:

(1) In Section 3 of the bill, in Section 341.042, Health and Safety Code, Subsection (b-2) (page 2, line 6), strike the phrase "give written notice of that intention to" and replace with the phrase "receive the consent of".

The amendment to **HB 3391** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3391 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3391 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3391** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3329 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3329** at this time on its second reading:

HB 3329, Relating to a daily temporary private club permit for a nonprofit corporation.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3329** (senate committee printing) in SECTION 2 of the bill, in added Section 33.25(b), Alcoholic Beverage Code (page 1, lines 48 and 49), by striking "establishing a temporary private club for a nonprofit corporation issued a daily temporary private club permit" and substituting "obtaining and operating under a daily temporary private club permit issued".

The amendment to **HB 3329** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3329 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3329 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3329** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1711 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1711** at this time on its second reading:

HB 1711, Relating to disaster remediation contracts.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1711** (as engrossed) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FEDERAL FUNDS DESIGNATION

SECTION ____ .01. Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.187 to read as follows:

Sec. 418.187. FEDERAL FUNDS DESIGNATION. (a) The governor shall designate an agency or agencies, under the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35) and 24 CFR, Part 570, Subpart I, to administer the state's allocation of federal funds provided under the community development block grant nonentitlement program authorized by Title I of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.).

(b) Notwithstanding any other provision of this Act, the Governor retains his authority to designate an agency or agencies to administer all non-entitlement federal community development block grant program funds and federal community development block grant disaster recovery funds and to transfer such federal funds to any agency.

SECTION ____ .02. The following are repealed:
Subdivision 487.051(a)(6), Government Code; and
Subchapter I, Chapter 487, Government Code.

The amendment to **HB 1711** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1711 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1711 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1711** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2295 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2295** at this time on its second reading:

HB 2295, Relating to the administration of the universal service fund.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2295 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2295** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 596 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 596** at this time on its second reading:

HB 596, Relating to offenses involving operating a motorboat in a circular course.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 596 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 596** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1395 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1395** at this time on its second reading:

HB 1395, Relating to the requirements to operate personal watercraft and certain boats.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1395 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1395** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1830 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1830** at this time on its second reading:

HB 1830, Relating to the method of delivery of certain notices sent by statutory probate court associate judges.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1830 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1830** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2690 ON SECOND READING

On motion of Senator Seliger, on behalf of Senator Williams, and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2690** at this time on its second reading:

HB 2690, Relating to authorizing local governments to convey real property interests to other local governments for less than fair market value.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2690 ON THIRD READING

Senator Seliger, on behalf of Senator Williams, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2690** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1771 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1771** at this time on its second reading:

HB 1771, Relating to the establishment of the Specialty Courts Advisory Council.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1771 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1771** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2519 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2519** at this time on its second reading:

HB 2519, Relating to the regulation of certain motor vehicle auctions.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2519 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2519** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1866 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1866** at this time on its second reading:

HB 1866, Relating to the designation of State Highway 20 as a historic highway.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1866 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1866** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1495 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1495** at this time on its second reading:

HB 1495, Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1495** (senate committee report) as follows:

(1) At the end of Section 1 of the bill (page 1, line 1-16) between "Subchapter I" and the period, insert "and except as to Section 2054.119, Government Code"

The amendment to **HB 1495** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1495 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1495 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1495** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills today:

HB 1043, HB 1103, HB 1241, HB 1646.

**VOTE RECONSIDERED ON
COMMITTEE SUBSTITUTE HOUSE BILL 1887**

Senator Hinojosa moved to reconsider the vote by which **CSHB 1887** was finally passed.

The motion prevailed without objection.

CSHB 1887, Relating to tax administration of and procedures for property tax protests and appeals; changing the elements of an offense.

Question — Shall **CSHB 1887** be finally passed?

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSHB 1887** (senate committee printing) on third reading as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsection (e-1), Section 41.45, Tax Code, is amended to read as follows:

(e-1) A property owner or a person ~~[who has not]~~ designated by the property owner as the owner's [an] agent under Section 1.111 to represent the owner at the hearing [and] who fails to appear at the hearing is entitled to a new hearing if the property owner or the owner's agent files, not later than the fourth day after the date the hearing occurred, a written statement with the appraisal review board showing good cause for the failure to appear and requesting a new hearing.

The amendment to **CSHB 1887** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Hinojosa and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSHB 1887 as again amended was again finally passed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Agriculture and Rural Affairs might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills today:

HB 90, HB 468, HB 478, HB 890, HB 1937, HB 2237, HB 2678, HB 3064, HB 3079, HB 3837.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Economic Development might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today:

HB 427, HB 645, HB 896, HB 1267, HB 1690, HB 2266, HB 2315, HB 2316, HB 2338, HB 2387, HB 3076, HB 3462, HB 3133, HB 3216, HB 3352, HB 3743, HB 3815, HB 3821, HB 3834, HB 3845, HB 3852, HB 3862.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills today:

HB 326, HB 1247, HB 1728, HB 2439, HCR 86.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **HB 125** today.

HOUSE BILL 1665 ON THIRD READING

The Presiding Officer laid before the Senate **HB 1665** sponsored by Senator Fraser on its third reading. The bill had been read third time and further consideration postponed:

HB 1665, Relating to the notification requirements regarding certain land use regulations in an area near military facilities.

Question — Shall **HB 1665** be finally passed?

MOTION TO RECONSIDER VOTE

Senator Van de Putte moved to reconsider the vote by which **HB 1665** was passed to third reading.

The motion was lost by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Duncan, Ellis, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Zaffirini.

Nays: Birdwell, Carona, Deuell, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Whitmire, Williams.

Question — Shall **HB 1665** be finally passed?

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 1665** on third reading as follows:

(1) In SECTION 2 of the bill, in the recital, strike "Subsections (d) and (e)" and substitute "Subsections (d), (e), and (f)".

(2) In SECTION 2 of the bill, in the first sentence of added Section 397.005(d), Local Government Code, strike "tract of land located in the corporate boundaries or in the extraterritorial jurisdiction of a municipality that is a defense community and within three miles of the boundary line of a defense base" and substitute "tract of land located within three miles of the boundary line of a defense base and in the corporate boundaries or in the extraterritorial jurisdiction of a municipality that is included in a defense community, other than a municipality described by Subsection (f)".

(3) In SECTION 2 of the bill, in the second sentence of added Section 397.005(d), Local Government Code, strike "a defense community that is a municipality" and substitute "a municipality subject to this subsection".

(4) In SECTION 2 of the bill, in the third sentence of added Section 397.005(d), Local Government Code, strike "defense community" and substitute "municipality".

(5) In SECTION 2 of the bill, in the last sentence of added Section 397.005(d), Local Government Code, strike "defense community" and substitute "municipality".

(6) In SECTION 2 of the bill, in added Section 397.005(e), Local Government Code, between "municipality" and "that", insert ", other than a municipality described by Subsection (f),".

(7) In SECTION 2 of the bill, following added Section 397.005(e), Local Government Code, add the following:

(f) Subsections (d) and (e) do not apply to a municipality primarily located in a county that has a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality.

The amendment to **HB 1665** was read and failed of adoption by the following vote: Yeas 10, Nays 21.

Yeas: Davis, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Zaffirini.

Nays: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Whitmire, Williams.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2 on Third Reading

Amend **HB 1665** (senate committee report) on third reading by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Subtitle B, Title 2, Utilities Code, is amended by adding Chapter 44 to read as follows:

CHAPTER 44. CERTAIN WIND-POWERED ELECTRIC GENERATION
FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 44.001. APPLICABILITY OF CHAPTER. This chapter applies to the construction or expansion of a wind-powered electric generation facility if:

(1) the construction or expansion includes a meteorological tower or a structure that will extend 200 feet or higher above ground level; and

(2) any part of the construction or expansion will occur within 25 miles of the boundaries of a federally owned or operated radar installation or military installation included on the notification list described by Section 44.052.

[Sections 44.002-44.050 reserved for expansion]

SUBCHAPTER B. REQUEST FOR NOTIFICATION

Sec. 44.051. REQUEST FOR NOTIFICATION. A federally owned or operated radar installation or military installation may request that the commission notify the installation of a planned construction or expansion project if any part of the construction or expansion will occur within 25 miles of the boundaries of the installation.

Sec. 44.052. NOTIFICATION LIST. (a) The commission shall create and maintain a list of federally owned or operated radar installations and military installations that have requested notification from the commission under Section 44.051.

(b) The commission shall publish the notification list required by this section on its Internet website and provide a copy of the list to each person who requests a copy.

Sec. 44.053. PROCEDURES RELATING TO LIST. The commission may establish procedures to enable federally owned or operated radar installations and military installations to request notification and to be included on the notification list required by Section 44.052, including procedures relating to the information an installation must provide to the commission.

[Sections 44.054-44.100 reserved for expansion]

SUBCHAPTER C. NOTIFICATION OF CONSTRUCTION OR EXPANSION

Sec. 44.101. NOTIFICATION TO COMMISSION. (a) A person who intends to begin a construction or expansion project to which this chapter applies shall provide written notice to the commission of the planned construction or expansion not later than the 120th day before the date the construction or expansion begins.

(b) The notice required under Subsection (a) must include:

(1) the name of the person planning the construction or expansion;

(2) the location of the planned construction or expansion;

(3) a detailed description of any construction or expansion that will extend 200 feet or higher above ground level, including the final proposed height of that construction or expansion; and

(4) the name and location of each federally owned or operated radar installation or military installation included on the notification list described by Section 44.052 and whose boundaries are within 25 miles of any part of the planned construction or expansion.

(c) The commission may charge a fee in an amount provided by commission rule to a person who provides written notice of a construction or expansion project to the commission under this section. The amount of the fee may not exceed an amount reasonably necessary to recover the cost of administering this chapter.

(d) The commission may establish an expedited process to allow a person who provides written notice to the commission of a construction or expansion project under this section to alter the notice to reflect a change in the information required to be included in the notice.

Sec. 44.102. NOTIFICATION BY COMMISSION. Not later than the 25th day after the date the commission receives notice of a proposed construction or expansion project under Section 44.101, the commission shall provide a copy of the notice to:

(1) any federally owned or operated radar installation or military installation that the commission determines is included on the notification list described by Section 44.052 and that has boundaries within 25 miles of the proposed project;

(2) each county or municipality that the commission determines has boundaries within 25 miles of a federally owned or operated radar installation or military installation described by Subdivision (1);

(3) the office of the governor;

(4) the Texas Military Preparedness Commission;

(5) the office of the comptroller of public accounts;

(6) the State Energy Conservation Office;

(7) the General Land Office; and

(8) the Energy Siting Clearinghouse of the United States Department of Defense.

Sec. 44.103. ELECTRONIC REPORTING TO COMMISSION; ELECTRONIC TRANSMISSION OF INFORMATION BY COMMISSION. (a) The commission shall encourage the use of electronic submission through the Internet, to the extent practicable, for submitting the notice required by Section 44.101. The commission may adjust fees assessed under this chapter as necessary to encourage electronic submission. An electronic report must be submitted in a format prescribed by the commission.

(b) The commission may transmit electronically the notice required by Section 44.102.

[Sections 44.104-44.150 reserved for expansion]

SUBCHAPTER D. FEDERAL AVIATION ADMINISTRATION
DETERMINATION

Sec. 44.151. FEDERAL AVIATION ADMINISTRATION DETERMINATION. A person may not begin construction or expansion of a wind-powered electric generation facility to which this chapter applies until the person files with the commission a copy of a Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration under 14 C.F.R. Part 77 for the proposed construction or expansion.

Sec. 44.152. EXCEPTION IN CASE OF EMERGENCY. (a) Section 44.151 does not apply to the emergency construction or expansion of a wind-powered electric generation facility to which this chapter applies that is prompted by an emergency involving essential public services, public health, or public safety.

(b) A person who begins emergency construction or expansion under Subsection (a) shall file the copy of the determination required by Section 44.151 in a manner determined by the commission.

Sec. 44.153. ADMINISTRATIVE PENALTY. The commission may implement penalties and other enforcement actions under Chapter 15 against a person who does not comply with this subchapter or a rule or order adopted under this subchapter.

Sec. 44.154. RULES. The commission may adopt rules and conduct proceedings necessary to administer and enforce this subchapter.

[Sections 44.155-44.200 reserved for expansion]

SUBCHAPTER E. PROCEDURES AND DELEGATION

Sec. 44.201. CONSULTATION CONCERNING PROCEDURES. The commission shall consult with the office of the governor, the Texas Military Preparedness Commission, the office of the comptroller of public accounts, the State Energy Conservation Office, and the General Land Office in developing and amending procedures to implement and administer this chapter.

Sec. 44.202. DELEGATION. (a) For an area in the Electric Reliability Council of Texas power region, the commission may delegate a duty assigned to the commission under this chapter to an independent organization certified under Section 39.151.

(b) For an area in this state outside the Electric Reliability Council of Texas power region, the commission may delegate a duty assigned to the commission under this chapter to an appropriate electric utility that provides electric service to a wind-powered electric generation facility or to the area in which construction of a wind-powered electric generation facility is planned.

(b) As soon as practicable after the effective date of this Act and not later than January 1, 2012, the Public Utility Commission of Texas shall adopt procedures necessary to implement Chapter 44, Utilities Code, as added by this section.

(c) This section applies only to construction or expansion of a wind-powered electric generation facility that begins on or after the effective date of this Act. Construction or expansion of a wind-powered electric generation facility that began before the effective date of this Act is governed by the law in effect on the date the construction or expansion began, and that law is continued in effect for that purpose.

HINOJOSA
LUCIO

The amendment to **HB 1665** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 on Third Reading.

On motion of Senator Fraser and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

HB 1665 as again amended was again finally passed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, West, Whitmire, Williams.

Nays: Davis, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, Zaffirini.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

Senator Williams moved to suspend Senate Rule 5.14(a) to extend the time to allow Members to place bills and resolutions on the Intent Calendar until 6:00 p.m. today.

The motion prevailed without objection.

RECESS

On motion of Senator Whitmire, the Senate at 2:19 p.m. recessed until 3:30 p.m. today.

AFTER RECESS

The Senate met at 3:53 p.m. and was called to order by the President.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Brandon Scott, 2011 University of Texas business graduate, his mother, Katrina McGhee, and his cousin, Tonya Lee.

The Senate welcomed its guests.

**VOTES RECONSIDERED ON
SENATE BILL 1581**

Senator Ogden moved to reconsider the vote by which **SB 1581** was finally passed.

The motion prevailed by the following vote: Yeas 20, Nays 10, Present-not voting 1.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, West, Williams.

Nays: Davis, Ellis, Gallegos, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Present-not voting: Wentworth.

SB 1581, Relating to state fiscal matters, and certain public health matters, related to public and higher education; providing penalties.

Question — Shall **SB 1581** be finally passed?

Senator Ogden moved to reconsider the vote by which **SB 1581** was passed to engrossment.

The motion prevailed by the following vote: Yeas 20, Nays 10, Present-not voting 1.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, West, Williams.

Nays: Davis, Ellis, Gallegos, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Present-not voting: Wentworth.

Question — Shall **SB 1581** be passed to engrossment?

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for the remainder of the day on account of important business.

VOTE RECONSIDERED

Question — Shall **SB 1581** be passed to engrossment?

Senator Ogden moved to reconsider the vote by which Floor Amendment No. 5 to **SB 1581** was adopted.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Uresti.

Present-not voting: Wentworth.

Absent-excused: Carona.

Question — Shall Floor Amendment No. 5 to **SB 1581** be adopted?

Senator Wentworth withdrew Floor Amendment No. 5.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 13

Amend **SB 1581** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE __, FISCAL MATTERS RELATING TO PUBLIC SCHOOL FINANCE AND PREKINDERGARTEN PROGRAMS

SECTION __.01. Effective September 1, 2011, Section 12.106, Education Code, is amended by amending Subsection (a) and adding Subsection (a-3) to read as follows:

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 equal to the greater of:

(1) the percentage specified by Section 42.2516(i) multiplied by the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Sections 42.302(a-1)(2) and (3), as they existed on January 1, 2009, that would have been received for the school during the 2009-2010 school year under Chapter 42 as it existed on January 1, 2009, and an additional amount of the percentage specified by Section 42.2516(i) multiplied by \$120 for each student in weighted average daily attendance; or

(2) the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Section 42.302(a), to which the charter holder would be entitled for the school under Chapter 42 if the school were a school district without a tier one local share for purposes of Section 42.253 and without any local revenue for purposes of Section 42.2516.

(a-3) In determining funding for an open-enrollment charter school under Subsection (a), the commissioner shall apply the regular program adjustment factor provided under Section 42.101 to calculate the regular program allotment to which a charter school is entitled.

SECTION __.02. Effective September 1, 2016, Subsection (a), Section 12.106, Education Code, is amended to read as follows:

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 equal to ~~[the greater of:~~

~~[(1) the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Sections 42.302(a 1)(2) and (3), as they existed on January 1, 2009, that would have been received for the school during the 2009-2010 school year under Chapter 42 as it existed on January 1, 2009, and an additional amount of \$120 for each student in weighted average daily attendance; or~~

~~[(2)]~~ the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Section 42.302(a), to which the charter holder would be entitled for the school under Chapter 42 if the school were a school district without a tier one local share for purposes of Section 42.253 ~~[and without any local revenue for purposes of Section 42.2516].~~

SECTION __.03. Section 21.402, Education Code, is amended by amending Subsection (a) and adding Subsection (i) to read as follows:

(a) Except as provided by Subsection (d)~~[-(e)-]~~ or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the following minimum monthly salary, based on the employee's level of experience:

<u>Years of Experience</u>	<u>Monthly Salary</u>
0	2,732
1	2,791
2	2,849
3	2,908
4	3,032
5	3,156
6	3,280
7	3,395
8	3,504
9	3,607
10	3,704
11	3,796
12	3,884
13	3,965
14	4,043
15	4,116
16	4,186

17	4,251
18	4,313
19	4,372
20 & Over	4,427

~~[in addition to other factors, as determined by commissioner rule, determined by the following formula:~~

$$[MS = SF \times FS$$

where:

~~["MS" is the minimum monthly salary;~~

~~["SF" is the applicable salary factor specified by Subsection (c); and~~

~~["FS" is the amount, as determined by the commissioner under Subsection (b), of state and local funds per weighted student, including funds provided under Section 42.2516, available to a district eligible to receive state assistance under Section 42.302 with a maintenance and operations tax rate per \$100 of taxable value equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by Chapter 1187, Acts of the 77th Legislature, Regular Session, 2001.]~~

~~(i) Not later than January 1, 2013, the commissioner shall review the minimum salary schedule and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a written report that recommends the method to be used to determine the schedule. This subsection expires September 1, 2013.~~

SECTION __.04. Section 29.1532, Education Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A school district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, ~~[and]~~ social, and school readiness skills that are aligned with the Texas Prekindergarten Guidelines approved by the commissioner.

(d) A school district's prekindergarten program must demonstrate effectiveness in preparing children for kindergarten according to a school readiness certification system established by the commissioner. The commissioner may waive participation in the certification system for a school district whose prekindergarten program otherwise demonstrates effectiveness in preparing students for kindergarten.

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION __.05. Section 29.154, Education Code, is amended to read as follows:

Sec. 29.154. EVALUATION OF PREKINDERGARTEN PROGRAMS.

(a) The commissioner ~~[of education, in consultation with the commissioner of human services,]~~ shall:

(1) monitor and evaluate prekindergarten programs as to their developmental appropriateness and the development of school readiness, as aligned with the Texas Prekindergarten Guidelines approved by the commissioner and a school readiness certification system established by the commissioner;

(2) ~~[-The commissioners shall also]~~ evaluate the potential for coordination on a statewide basis of prekindergarten programs with government-funded early childhood care and education programs such as child care administered under Chapter 44, Human Resources Code, and federal Head Start programs; and

(3) ~~[-That evaluation shall use recommendations contained in the report to the 71st Legislature required by Chapter 717, Acts of the 70th Legislature, Regular Session, 1987. For the purpose of providing cost effective care for children during the full workday with developmentally appropriate curriculum, the commissioners shall investigate the use of existing child care program sites as prekindergarten sites. Following the evaluation required by this section, the commissioners,]~~ in cooperation with school districts and other program administrators, ~~[shall]~~ integrate programs, staff, and program sites for prekindergarten, child-care, and federal Head Start programs to the greatest extent possible.

(b) The commissioner or an entity acting under a contract with the commissioner shall provide technical assistance to implement proven school readiness components to a school district operating a prekindergarten program under this subchapter that is not certified by the commissioner following two consecutive review cycles. The commissioner is not required to provide assistance to a school district under this subsection if funding is not available.

(c) The commissioner may adopt rules as necessary to implement this section.

SECTION __.06. Subsection (a), Section 41.002, Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds:

(1) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to a district with maintenance and operations tax revenue per cent of tax effort equal to the maximum amount provided per cent under Section 42.101(a) ~~[42.101]~~, for the district's maintenance and operations tax effort equal to or less than the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, subject to Section 41.093(b-1); or

(3) \$319,500, for the district's maintenance and operations tax effort that exceeds the first six cents by which the district's maintenance and operations tax effort exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.

SECTION __.07. Section 42.003, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A student to whom Subsection (a) does not apply is entitled to the benefits of the Foundation School Program if the student is enrolled in a prekindergarten class under Section 29.153 that participates in a school readiness certification system established by the commissioner or that has received a waiver from participation under Section 29.1532(d).

(b-1) For the 2011-2012 and 2012-2013 school years, the commissioner may withhold an amount of the total funds appropriated for allotments for students described by Subsection (b) to pay the costs of school districts' participation in the school readiness certification system. This subsection expires September 1, 2013.

SECTION __.08. The heading to Section 42.101, Education Code, is amended to read as follows:

Sec. 42.101. BASIC AND REGULAR PROGRAM ALLOTMENTS [ALLOTMENT].

SECTION __.09. Effective September 1, 2011, Section 42.101, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (c) and (c-1) to read as follows:

(a) The basic ~~[For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an]~~ allotment is an amount equal to the lesser of \$4,765 or the amount that results from the following formula:

$$A = \$4,765 \times (\text{DCR}/\text{MCR})$$

where:

"A" is the resulting amount for ~~[allotment to which]~~ a district ~~[is entitled]~~;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

(b) A greater amount for any school year for the basic allotment under Subsection (a) may be provided by appropriation.

(c) A school district is entitled to a regular program allotment equal to the amount that results from the following formula:

$$\text{RPA} = \text{ADA} \times \text{AA} \times \text{RPAF}$$

where:

"RPA" is the regular program allotment to which the district is entitled;

"ADA" is the number of students in average daily attendance in a district, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C;

"AA" is the district's adjusted basic allotment, as determined under Section 42.102 and, if applicable, as further adjusted under Section 42.103; and

"RPAF" is the regular program adjustment factor, which is 1.00 or a different amount established by appropriation.

(c-1) Notwithstanding Subsection (c), the regular program adjustment factor ("RPAF") is 0.98 for the 2011-2012 and 2012-2013 school years. This subsection expires September 1, 2013.

SECTION __.10. Effective September 1, 2015, Subsection (a), Section 42.101, Education Code, is amended to read as follows:

(a) The basic ~~[For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an]~~ allotment is an amount equal to the lesser of \$4,900 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$4,900} [\underline{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the resulting amount for ~~[allotment to which]~~ a district ~~[is entitled]~~;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

SECTION __.11. Effective September 1, 2016, Subsection (a), Section 42.101, Education Code, is amended to read as follows:

(a) The basic ~~[For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an]~~ allotment is an amount equal to the lesser of \$5,000 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$5,000} [\underline{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the resulting amount for ~~[allotment to which]~~ a district ~~[is entitled]~~;

"DCR" is ~~the~~ district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

SECTION __.12. Section 42.105, Education Code, is amended to read as follows:

Sec. 42.105. SPARSITY ADJUSTMENT. Notwithstanding Sections 42.101, 42.102, and 42.103, a school district that has fewer than 130 students in average daily attendance shall be provided a regular program ~~[an adjusted-basis]~~ allotment on the basis of 130 students in average daily attendance if it offers a kindergarten through grade 12 program and has preceding or current year's average daily attendance of at least 90 students or is 30 miles or more by bus route from the nearest high school district. A district offering a kindergarten through grade 8 program whose preceding

or current year's average daily attendance was at least 50 students or which is 30 miles or more by bus route from the nearest high school district shall be provided a regular program [~~an adjusted basic~~] allotment on the basis of 75 students in average daily attendance. An average daily attendance of 60 students shall be the basis of providing the regular program [~~adjusted basic~~] allotment if a district offers a kindergarten through grade 6 program and has preceding or current year's average daily attendance of at least 40 students or is 30 miles or more by bus route from the nearest high school district.

SECTION .13. Subsection (a), Section 42.251, Education Code, is amended to read as follows:

(a) The sum of the regular program [~~basic~~] allotment under Subchapter B and the special allotments under Subchapter C, computed in accordance with this chapter, constitute the tier one allotments. The sum of the tier one allotments and the guaranteed yield allotments under Subchapter F, computed in accordance with this chapter, constitute the total cost of the Foundation School Program.

SECTION .14. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2514 to read as follows:

Sec. 42.2514. ADDITIONAL STATE AID FOR TAX INCREMENT FINANCING PAYMENTS. For each school year, a school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount equal to the amount the district is required to pay into the tax increment fund for a reinvestment zone under Section 311.013(n), Tax Code.

SECTION .15. Effective September 1, 2011, Section 42.2516, Education Code, is amended by amending Subsections (b), (d), and (f-2) and adding Subsections (b-2) and (i) to read as follows:

(b) Notwithstanding any other provision of this title, a school district that imposes a maintenance and operations tax at a rate at least equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year is entitled to at least the amount of state revenue necessary to provide the district with the sum of:

(1) the percentage specified by Subsection (i) of the amount, as calculated under Subsection (e), [~~the amount~~] of state and local revenue per student in weighted average daily attendance for maintenance and operations that the district would have received during the 2009-2010 school year under Chapter 41 and this chapter, as those chapters existed on January 1, 2009, at a maintenance and operations tax rate equal to the product of the state compression percentage for that year multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) the percentage specified by Subsection (i) of an amount equal to the product of \$120 multiplied by the number of students in weighted average daily attendance in the district; and

(3) [~~an amount equal to the amount the district is required to pay into the tax increment fund for a reinvestment zone under Section 311.013(n), Tax Code, in the current tax year; and~~

[(4)] any amount to which the district is entitled under Section 42.106.

(b-2) If a school district adopts a maintenance and operations tax rate that is below the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, the commissioner shall reduce the district's entitlement under this section in proportion to the amount by which the adopted rate is less than the rate equal to the product of the state compression percentage multiplied by the rate adopted by the district for the 2005 tax year.

(d) In determining the amount to which a district is entitled under Subsection (b)(1), the commissioner shall:

(1) include the percentage specified by Subsection (i) of any amounts received by the district during the 2008-2009 school year under Rider 86, page III-23, Chapter 1428 (H.B. 1), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act); and

(2) for a school district that paid tuition under Section 25.039 during the 2008-2009 school year, reduce the amount to which the district is entitled by the amount of tuition paid during that school year.

(f-2) The rules adopted by the commissioner under Subsection (f-1) must:

(1) require the commissioner to determine, as if this section did not exist, the effect under Chapter 41 and this chapter of a school district's action described by Subsection (f-1)(1), (2), (3), or (4) on the total state revenue to which the district would be entitled or the cost to the district of purchasing sufficient attendance credits to reduce the district's wealth per student to the equalized wealth level; and

(2) require an increase or reduction in the amount of state revenue to which a school district is entitled under Subsection (b)(1) ~~[(b)]~~ that is substantially equivalent to any change in total state revenue or the cost of purchasing attendance credits that would apply to the district if this section did not exist.

(i) The percentage to be applied for purposes of Subsections (b)(1) and (2) and Subsection (d)(1) is 93.50 percent for the 2011-2012 school year and 92.35 percent for each subsequent school year. A different percentage for any school year may be established by appropriation.

SECTION __.16. Effective September 1, 2016, the heading to Section 42.2516, Education Code, is amended to read as follows:

Sec. 42.2516. STATE COMPRESSION PERCENTAGE [~~ADDITIONAL STATE AID FOR TAX REDUCTION~~].

SECTION __.17. Effective September 1, 2016, Subsection (a), Section 42.2516, Education Code, is amended to read as follows:

(a) In this title ~~[section]~~, "state compression percentage" means the percentage ~~as determined by the commissioner,~~ of a school district's adopted maintenance and operations tax rate for the 2005 tax year that serves as the basis for state funding ~~[for tax rate reduction under this section]~~. If the state compression percentage is not established by appropriation for a school year, the ~~[The]~~ commissioner shall determine the state compression percentage for each school year based on the percentage by which a district is able to reduce the district's maintenance and operations tax rate for that year, as compared to the district's adopted maintenance and operations tax rate for the 2005 tax year, as a result of state funds appropriated for

~~[distribution under this section for]~~ that year from the property tax relief fund established under Section 403.109, Government Code, or from another funding source available for school district property tax relief.

SECTION __.18. Effective September 1, 2011, Subsection (a), Section 42.25161, Education Code, is amended to read as follows:

(a) The commissioner shall provide South Texas Independent School District with the amount of state aid necessary to ensure that the district receives an amount of state and local revenue per student in weighted average daily attendance that is at least the percentage specified by Section 42.2516(i) of \$120 greater than the amount the district would have received per student in weighted average daily attendance during the 2009-2010 school year under this chapter, as it existed on January 1, 2009, at a maintenance and operations tax rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, provided that the district imposes a maintenance and operations tax at that rate.

SECTION __.19. Effective September 1, 2011, Subsection (h), Section 42.253, Education Code, is amended to read as follows:

(h) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts are entitled for that year, the commissioner shall certify the amount of the difference to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (j), the commissioner shall adjust [reduce] the total amounts due to each school district under this chapter and the total amounts necessary for each school district to comply with the requirements of Chapter 41 [amount of state funds allocated to each district] by an amount determined by applying to each district, including a district receiving funds under Section 42.2516, the same percentage adjustment so that the total amount of the adjustment to all districts [a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code,] results in an amount [a total levy] equal to the total adjustment necessary [reduction]. The following fiscal year:

(1) [s] a district's entitlement under this section is increased by an amount equal to the adjustment [reduction] made under this subsection; and

(2) the amount necessary for a district to comply with the requirements of Chapter 41 is reduced by an amount equal to the adjustment made under this subsection.

SECTION __.20. Effective September 1, 2016, Subsection (h), Section 42.253, Education Code, is amended to read as follows:

(h) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts are entitled for that year, the commissioner shall certify the amount of the difference

to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (j), the commissioner shall adjust ~~reduce~~ the total amounts due to each school district under this chapter and the total amounts necessary for each school district to comply with the requirements of Chapter 41 ~~[amount of state funds allocated to each district]~~ by an amount determined by applying to each district the same percentage adjustment so that the total amount of the adjustment to all districts ~~[a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code,]~~ results in an amount ~~[a total levy]~~ equal to the total adjustment necessary ~~[reduction]~~. The following fiscal year:

(1) ~~[;]~~ a district's entitlement under this section is increased by an amount equal to the adjustment ~~[reduction]~~ made under this subsection; and

(2) the amount necessary for a district to comply with the requirements of Chapter 41 is reduced by an amount equal to the adjustment made under this subsection.

SECTION __.21. Subsection (b), Section 42.260, Education Code, is amended to read as follows:

(b) For each year, the commissioner shall certify to each school district or participating charter school the amount of:

~~[(A)]~~ additional funds to which the district or school is entitled due to the increase made by H.B. No. 3343, Acts of the 77th Legislature, Regular Session, 2001, to:

(1) ~~[(A)]~~ the equalized wealth level under Section 41.002; or

(2) ~~[(B)]~~ the guaranteed level of state and local funds per weighted student per cent of tax effort under Section 42.302~~;~~ ~~or~~

~~[(2) additional state aid to which the district or school is entitled under Section 42.2513].~~

SECTION __.22. Section 44.004, Education Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) If the rate calculated under Subsection (c)(5)(A)(ii)(b) decreases after the publication of the notice required by this section, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate.

SECTION __.23. Subsection (a), Section 26.05, Tax Code, is amended to read as follows:

(a) The governing body of each taxing unit, before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, shall adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted. The tax rate consists of two components, each of which must be approved separately. The components are:

(1) for a taxing unit other than a school district, the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(C), less any amount of additional sales and use tax revenue that will be used to pay debt service, or, for a school district, the rate calculated ~~published~~ under Section 44.004(c)(5)(A)(ii)(b), Education Code; and

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year.

SECTION __.24. Effective September 1, 2016, Subsection (i), Section 26.08, Tax Code, is amended to read as follows:

(i) For purposes of this section, the effective maintenance and operations tax rate of a school district is the tax rate that, applied to the current total value for the district, would impose taxes in an amount that, when added to state funds that would be distributed to the district under Chapter 42, Education Code, for the school year beginning in the current tax year using that tax rate, ~~[including state funds that will be distributed to the district in that school year under Section 42.2516, Education Code,]~~ would provide the same amount of state funds distributed under Chapter 42, Education Code, ~~[including state funds distributed under Section 42.2516, Education Code,]~~ and maintenance and operations taxes of the district per student in weighted average daily attendance for that school year that would have been available to the district in the preceding year if the funding elements for Chapters 41 and 42, Education Code, for the current year had been in effect for the preceding year.

SECTION __.25. Subsection (n), Section 311.013, Tax Code, is amended to read as follows:

(n) This subsection applies only to a school district whose taxable value computed under Section 403.302(d), Government Code, is reduced in accordance with Subdivision (4) of that subsection. In addition to the amount otherwise required to be paid into the tax increment fund, the district shall pay into the fund an amount equal to the amount by which the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the school district receives in state aid for the current tax year under Section 42.2514, Education Code. The school district shall pay the additional amount after the district receives the state aid to which the district is entitled for the current tax year under Section 42.2514, Education Code.

SECTION __.26. Effective September 1, 2011, the following provisions of the Education Code are repealed:

- (1) Subsections (b), (c), (c-1), (c-2), (c-3), and (e), Section 21.402;
- (2) Section 42.008; and
- (3) Subsections (a-1) and (a-2), Section 42.101.

SECTION __.27. (a) Effective September 1, 2016, the following provisions of the Education Code are repealed:

- (1) Section 41.0041;
- (2) Subsections (b), (b-1), (b-2), (c), (d), (e), (f), (f-1), (f-2), (f-3), and (i), Section 42.2516;

- (3) Section 42.25161;
- (4) Subsection (c), Section 42.2523;
- (5) Subsection (g), Section 42.2524;
- (6) Subsection (c-1), Section 42.253; and
- (7) Section 42.261.

(b) Effective September 1, 2016, Subsections (i-1) and (j), Section 26.08, Tax Code, are repealed.

SECTION __.28. Except as otherwise provided by this Act, the changes in law made by this Act to Chapter 42, Education Code, apply beginning with the 2011-2012 school year.

SECTION __.29. The change in law made by Subsection (g-1), Section 44.004, Education Code, as added by this Act, applies beginning with adoption of a tax rate for the 2011 tax year.

The amendment to **SB 1581** was read.

Senator Shapiro offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 14

Amend the Amendment No. 13 by Shapiro to **SB 1581** as follows:

(1) Strike SECTION __.03 of the amendment, amending Section 21.402, Education Code (page 2, line 23, through page 4, line 17), and substitute the following:

SECTION __.03. Effective September 1, 2011, Section 21.402, Education Code, is amended by amending Subsections (a), (b), (c), and (c-1) and adding Subsection (i) to read as follows:

(a) Except as provided by Subsection (d)[~~(e)~~] or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined by commissioner rule, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of the basic allotment as provided by Section 42.101(a) or (b) for a school district with a maintenance and operations tax rate at least equal to the state maximum compressed tax rate, as defined by Section 42.101(a) [~~state and local funds per weighted student, including funds provided under Section 42.2516, available to a district eligible to receive state assistance under Section 42.302 with a maintenance and operations tax rate per \$100 of taxable value equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by Chapter 1187, Acts of the 77th Legislature, Regular Session, 2001~~].

(b) Not later than June 1 of each year, the commissioner shall determine the basic allotment and resulting monthly salaries to be paid by school districts as provided by Subsection (a) ~~[amount of state and local funds per weighted student available, for purposes of Subsection (a), to a district described by that subsection for the following school year].~~

(c) The salary factors per step are as follows:

Years Experience	0	1	2	3	4
Salary Factor	<u>.5464</u>	<u>[.6226]</u>	<u>.5582</u>	<u>[.6360]</u>	<u>.5698</u>
Years Experience	5	6	7	8	9
Salary Factor	<u>.6312</u>	<u>[.7192]</u>	<u>.6560</u>	<u>[.7474]</u>	<u>.6790</u>
Years Experience	10	11	12	13	14
Salary Factor	<u>.7408</u>	<u>[.8444]</u>	<u>.7592</u>	<u>[.8650]</u>	<u>.7768</u>
Years Experience	15	16	17	18	19
Salary Factor	<u>.8232</u>	<u>[.9380]</u>	<u>.8372</u>	<u>[.9539]</u>	<u>.8502</u>
Years Experience	20	and over			
Salary Factor	<u>.8854</u>	<u>[1.009]</u>			

(c-1) Notwithstanding Subsections ~~[Subsection]~~ (a) and (b) ~~[, for the 2009-2010 and 2010-2011 school years]~~, each school district shall pay a monthly salary to ~~[increase the monthly salary of]~~ each classroom teacher, full-time speech pathologist, full-time librarian, full-time counselor certified under Subchapter B, and full-time school nurse that is at least equal to the following monthly salary or the monthly salary determined by the commissioner under Subsections (a) and (b), whichever is ~~[by the]~~ greater ~~[of]~~:

<u>Years of Experience</u>	<u>Monthly Salary</u>
0	<u>2,732</u>
1	<u>2,791</u>
2	<u>2,849</u>
3	<u>2,908</u>
4	<u>3,032</u>
5	<u>3,156</u>
6	<u>3,280</u>
7	<u>3,395</u>
8	<u>3,504</u>
9	<u>3,607</u>
10	<u>3,704</u>
11	<u>3,796</u>
12	<u>3,884</u>
13	<u>3,965</u>
14	<u>4,043</u>
15	<u>4,116</u>
16	<u>4,186</u>
17	<u>4,251</u>
18	<u>4,313</u>
19	<u>4,372</u>
20 & Over	<u>4,427</u>

~~[(1) \$80; or~~

~~[(2) the maximum uniform amount that, when combined with any resulting increases in the amount of contributions made by the district for social security coverage for the specified employees or by the district on behalf of the specified employees under Section 825.405, Government Code, may be provided using an amount equal to the product of \$60 multiplied by the number of students in weighted average daily attendance in the school during the 2009-2010 school year.]~~

(i) Not later than January 1, 2013, the commissioner shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a written report that evaluates and provides recommendations regarding the salary schedule. This subsection expires September 1, 2013.

(2) In SECTION .26 of the amendment, strike Subdivision (1) (page 20, lines 8-9) and substitute the following:

(1) Subsections (c-2), (c-3), and (e), Section 21.402;

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION . Effective September 1, 2016, Section 21.402, Education Code, is amended by amending Subsection (a) and adding Subsection (e-1) to read as follows:

(a) Except as provided by Subsection (d), ~~(e-1) [(e)]~~, or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined by commissioner rule, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of the basic allotment as provided by Section 42.101(a) or (b) for a school district with a maintenance and operations tax rate at least equal to the state maximum compressed tax rate, as defined by Section 42.101(a) ~~[state and local funds per weighted student, including funds provided under Section 42.2516, available to a district eligible to receive state assistance under Section 42.302 with a maintenance and operations tax rate per \$100 of taxable value equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by Chapter 1187, Acts of the 77th Legislature, Regular Session, 2004].~~

(e-1) If the minimum monthly salary determined under Subsection (a) for a particular level of experience is less than the minimum monthly salary for that level of experience in the preceding year, the minimum monthly salary is the minimum monthly salary for the preceding year.

The amendment to Floor Amendment No. 13 to **SB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14 except as follows:

Absent-excused: Carona.

Senator Shapiro offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 15

Amend the Amendment No. 13 by Shapiro to **SB 1581** in SECTION ____ .07 of the bill by striking added Section 42.003(b-1), Education Code (page 7, lines 17-22), and substituting the following:

(b-1) For the 2012-2013 school year, the commissioner may withhold from a school district an amount of the funds appropriated to the district for allotments for prekindergarten students enrolled in a classroom that participates in a school readiness certification system established by the commissioner to pay the costs of the district's participation in the school readiness certification system. The commissioner may also withhold an amount of revenue to which a school district is otherwise entitled under Section 42.2516 to ensure that each school district in this state pays a comparable amount of the costs of participation in the system. This subsection expires September 1, 2013.

The amendment to Floor Amendment No. 13 to **SB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 15 except as follows:

Absent-excused: Carona.

Senator Deuell offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 16

Amend Amendment No. 13 by Shapiro, amending **SB 1581** as follows:

(1) In the item of the amendment that amends Section 12.106, Education Code, by amending Subsection (a) and adding Subsection (a-3), insert the following after added Subsection (a-3) and make conforming changes to the recital:

(a-4) Notwithstanding Subsection (a), for the 2013-2014 through 2017-2018 school years, the commissioner shall reduce the amount to which a charter holder is entitled under Subsection (a)(1) in a manner comparable to the reductions required under Section 42.2516(j). This subsection expires September 1, 2018.

(2) In the item of the amendment that amends Section 12.106(a), Education Code, effective September 1, 2016, in the recital, strike "September 1, 2016" and substitute "September 1, 2018".

(3) Strike the items in the amendment that amend Section 42.101(a), Education Code, effective September 1, 2015, and September 1, 2016, and substitute the following:

SECTION ____ . Effective September 1, 2013, Subsection (a), Section 42.101, Education Code, is amended to read as follows:

(a) The basic ~~[For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for~~

which an additional allotment is made under Subchapter C, a district is entitled to an allotment is an amount equal to the lesser of \$4,860 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$4,860} [\del{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the resulting amount for [~~allotment to which~~] a district [~~is entitled~~];

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

SECTION _____. Effective September 1, 2014, Subsection (a), Section 42.101, Education Code, is amended to read as follows:

(a) The basic [~~For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an~~] allotment is an amount equal to the lesser of \$4,890 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$4,890} [\del{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the resulting amount for [~~allotment to which~~] a district [~~is entitled~~];

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

SECTION _____. Effective September 1, 2015, Subsection (a), Section 42.101, Education Code, is amended to read as follows:

(a) The basic [~~For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an~~] allotment is an amount equal to the lesser of \$5,074 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$5,074} [\del{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the resulting amount for [~~allotment to which~~] a district [~~is entitled~~];

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

SECTION _____. Effective September 1, 2016, Subsection (a), Section 42.101, Education Code, is amended to read as follows:

(a) ~~The basic [For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an] allotment is an amount equal to the lesser of \$5,088 [~~\$4,765~~] or the amount that results from the following formula:~~

$$A = \underline{\$5,088} [\underline{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the resulting amount for ~~[allotment to which]~~ a district ~~[is entitled]~~;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

SECTION _____. Effective September 1, 2017, Section 42.101, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) For purposes of Subsection (a), for the 2017-2018 and 2018-2019 school years, the amount of \$5,088 is replaced each place it appears in that subsection with the greatest amount, as determined by the commissioner, that may be substituted using funds resulting from, for the 2017-2018 school year, the reductions described by Sections 12.106(a-4) and 42.2516(j) and, for the 2018-2019 school year, the repeal effective September 1, 2018, of portions of Section 42.2516 providing additional state aid for tax reduction. The basic allotment determined under this subsection for the 2018-2019 school year continues in effect for subsequent school years unless a greater amount is provided by appropriation.

(4) In the item of the amendment that amends Section 42.2516(b), Education Code, effective September 1, 2011, after "Notwithstanding any other provision of this title," insert "but subject to Subsection (j)."

(5) In the item of the amendment that amends Section 42.2516, Education Code, effective September 1, 2011, by amending Subsections (b), (d), and (f-2) and adding Subsection (b-2) and (i), insert the following Subsection (j) and make conforming changes to the recital:

(j) Notwithstanding any other provision of this section:

(1) for the 2013-2014 school year, the maximum amount of additional revenue per student in weighted average daily attendance to which a school district is entitled under this section is reduced by an amount equal to one-sixth of the difference between the total amount of state and local revenue per student in weighted average daily attendance to which the district is entitled under this chapter, including revenue under this section, and the total amount of state and local revenue per student in weighted average daily attendance to which the district is entitled under this chapter, excluding revenue under this section;

(2) for the 2014-2015 school year, the maximum amount of additional revenue is reduced as described by Subdivision (1), except that the fraction used for purposes of the reduction is two-sixths;

(3) for the 2015-2016 school year, the maximum amount of additional revenue is reduced as described by Subdivision (1), except that the fraction used for purposes of the reduction is three-sixths;

(4) for the 2016-2017 school year, the maximum amount of additional revenue is reduced as described by Subdivision (1), except that the fraction used for purposes of the reduction is four-sixths; and

(5) for the 2017-2018 school year, the maximum amount of additional revenue is reduced as described by Subdivision (1), except that the fraction used for purposes of the reduction is five-sixths.

(6) In the item of the amendment that amends the heading to Section 42.2516, Education Code, effective September 1, 2016, in the recital, strike "September 1, 2016" and substitute "September 1, 2018".

(7) In the item of the amendment that amends Section 42.2516(a), Education Code, effective September 1, 2016, in the recital, strike "September 1, 2016" and substitute "September 1, 2018".

(8) In the item of the amendment that amends Section 42.253(h), Education Code, effective September 1, 2016, in the recital, strike "September 1, 2016" and substitute "September 1, 2018".

(9) In the item of the amendment that amends Section 26.08(i), Tax Code, effective September 1, 2016, in the recital, strike "September 1, 2016" and substitute "September 1, 2018".

(10) In the item of the amendment that repeals provisions of the Education Code, effective September 1, 2016, strike "September 1, 2016" and substitute "September 1, 2018".

(11) In the item of the amendment that repeals provisions of the Tax Code, effective September 1, 2016, strike "September 1, 2016" and substitute "September 1, 2018".

(12) Renumber items of the amendment accordingly.

The amendment to Floor Amendment No. 13 to **SB 1581** was read.

Senator Deuell withdrew Floor Amendment No. 16.

REMARKS ORDERED PRINTED

On motion of Senator Gallegos and by unanimous consent, the remarks by Senator Deuell regarding Floor Amendment No. 16 to **SB 1581** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to this day's Journal.

Senator Duncan offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 17

Amend Amendment No. 13 by Shapiro to **SB 1581** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature, between fiscal year 2014 and fiscal year 2017, to continue to reduce the amount of Additional State Aid For Tax Reduction (ASATR) to which a school district is entitled under Section 42.2516, Education Code, and to increase the basic allotment to which a school district is entitled under Section 42.101, Education Code.

DUNCAN
DEUELL
SELIGER

The amendment to Floor Amendment No. 13 to **SB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 17 except as follows:

Absent-excused: Carona.

Senator Lucio offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 18

Amend Floor Amendment No. 13 by Shapiro to **SB 1581** as follows:

(1) In the SECTION of the amendment amending Section 12.106, Education Code, effective September 1, 2011, strike added Section 12.106(a-3), Education Code, and make appropriate corresponding changes to the recital of that SECTION of the amendment.

(2) Strike the SECTION of the amendment amending Section 41.002(a), Education Code.

(3) Strike the SECTION of the amendment amending the heading to Section 42.101, Education Code, the SECTION of the amendment amending Section 42.101, Education Code, effective September 1, 2011, the SECTION of the amendment amending Section 42.101, Education Code, effective September 1, 2015, and the SECTION of the amendment amending Section 42.101, Education Code, effective September 1, 2016, and substitute the following appropriately numbered SECTIONS:

SECTION _____. Effective September 1, 2015, Section 42.101(a), Education Code, is amended to read as follows:

(a) For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of \$4,900 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$4,900} [\del{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

SECTION _____. Effective September 1, 2016, Section 42.101(a), Education Code, is amended to read as follows:

(a) For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of \$5,000 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$5,000} [\del{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

(4) Strike the SECTIONS of the amendment amending Sections 42.105 and 42.251(a), Education Code.

(5) Add the following appropriately numbered SECTION:

SECTION _____. Section 42.259, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding any other provision of this section, payments from the foundation school fund that would otherwise be required to be made under Subsection (b)(2) or (c)(7) on or before July 25, 2013, are reduced by the amount necessary, as determined by the commissioner, to pay the difference between the costs to the Foundation School Program for the state fiscal biennium beginning September 1, 2011, of providing school districts with the total amounts to which the districts are entitled under this chapter, excluding amounts provided under Section 42.2516, and the amounts to which school districts would have been entitled under this chapter, excluding amounts provided under Section 42.2516, if the changes proposed to this chapter by the senate committee report for S.B. 22, Acts of the 82nd Legislature, Regular Session, 2011, regarding the establishment of a regular program allotment had become law. The amounts by which payments are reduced under this subsection shall be paid after September 5, 2013, and not later than September 10, 2013. Subsection (f) does not apply to payments made in accordance with this subsection. This subsection expires September 1, 2014.

(6) Renumber SECTIONS in the amendment accordingly.

The amendment to Floor Amendment No. 13 to **SB 1581** was read.

On motion of Senator Shapiro, Floor Amendment No. 18 was tabled by the following vote: Yeas 16, Nays 14.

Yeas: Birdwell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro, Wentworth, Williams.

Nays: Davis, Deuell, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona.

Senator Lucio offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 19

Amend Amendment No. 13 by Shapiro to **SB 1581** as follows:

(1) In the recital to SECTION __ of the amendment amending Section 12.106, Education Code, effective September 1, 2011, strike "Subsection (a-3)" and substitute "Subsections (a-3) and (a-4)".

(2) In SECTION __ of the amendment amending Section 12.106, Education Code, insert the following:

(a-4) Subsection (a-3) and this subsection expire September 1, 2013.

(3) In SECTION __ of the amendment amending Section 41.002, Education Code, between the period and "Subsection (a)", insert "Effective September 1, 2011,".

(4) In SECTION __ of the amendment, in added Section 42.101(c-1), Education Code, strike "This subsection expires" and substitute "Subsection (c) and this subsection expire".

(5) In SECTION __ of the amendment amending Section 41.002, Education Code, effective September 1, 2015, strike amended Section 42.101(a), Education Code, and substitute the following:

(a) For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of \$4,900 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$4,900} [\del{\$4,765}] \times (\text{DCR}/\text{MCR})$$

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

(6) In SECTION __ of the amendment amending Section 41.002, Education Code, effective September 1, 2016, strike amended Section 42.101(a), Education Code, and substitute the following:

(a) For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an

additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of \$5,000 [~~\$4,765~~] or the amount that results from the following formula:

$$A = \underline{\$5,000} [\del{\$4,765}] \times (\text{DCR/MCR})$$

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

(7) In the recital to SECTION __ of the amendment amending Section 42.105, Education Code, between the period and "Section 42.105", insert "Effective September 1, 2011,".

(8) In the recital to SECTION __ of the amendment amending Section 42.251, Education Code, between the period and "Subsection (a)", insert "Effective September 1, 2011,".

(9) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2013, Subsection (a), Section 41.002, Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds:

(1) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to a district with maintenance and operations tax revenue per cent of tax effort equal to the maximum amount provided per cent under Section 42.101, for the district's maintenance and operations tax effort equal to or less than the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) the wealth per student that generates the amount of maintenance and operations tax revenue per weighted student available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, subject to Section 41.093(b-1); or

(3) \$319,500, for the district's maintenance and operations tax effort that exceeds the first six cents by which the district's maintenance and operations tax effort exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.

SECTION _____. Effective September 1, 2013, Section 42.101, Education Code, is amended to read as follows:

Sec. 42.101. BASIC ALLOTMENT. (a) For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of of \$4,765 or the amount that results from the following formula:

$$A = \$4,765 \times (\text{DCR}/\text{MCR})$$

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

(b) A greater amount for any school year may be provided by appropriation.

SECTION _____. Effective September 1, 2013, Section 42.105, Education Code, is amended to read as follows:

Sec. 42.105. SPARSITY ADJUSTMENT. Notwithstanding Sections 42.101, 42.102, and 42.103, a school district that has fewer than 130 students in average daily attendance shall be provided an adjusted basic allotment on the basis of 130 students in average daily attendance if it offers a kindergarten through grade 12 program and has preceding or current year's average daily attendance of at least 90 students or is 30 miles or more by bus route from the nearest high school district. A district offering a kindergarten through grade 8 program whose preceding or current year's average daily attendance was at least 50 students or which is 30 miles or more by bus route from the nearest high school district shall be provided an adjusted basic allotment on the basis of 75 students in average daily attendance. An average daily attendance of 60 students shall be the basis of providing the adjusted basic allotment if a district offers a kindergarten through grade 6 program and has preceding or current year's average daily attendance of at least 40 students or is 30 miles or more by bus route from the nearest high school district.

SECTION _____. Effective September 1, 2013, Subsection (a), Section 42.251, Education Code, is amended to read as follows:

(a) The sum of the basic allotment under Subchapter B and the special allotments under Subchapter C, computed in accordance with this chapter, constitute the tier one allotments. The sum of the tier one allotments and the guaranteed yield allotments under Subchapter F, computed in accordance with this chapter, constitute the total cost of the Foundation School Program.

The amendment to Floor Amendment No. 13 to **SB 1581** was read.

On motion of Senator Shapiro, Floor Amendment No. 19 was tabled by the following vote: Yeas 17, Nays 13.

Yeas: Birdwell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Deuell, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona.

Senator Hegar offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 20

Amend the Amendment No. 13 by Shapiro to **SB 1581** as follows:

(1) In the SECTION of the amendment amending Section 42.2516, Education Code, effective September 1, 2011, in the recital (page 12, line 1), strike "Subsections (b-2) and (i)" and substitute "Subsection (i)".

(2) In the SECTION of the amendment amending Section 42.2516, Education Code, effective September 1, 2011 (page 12, line 30, through page 13, line 6), strike added Subsection (b-2).

HEGAR
ELTIFE

The amendment to Floor Amendment No. 13 to **SB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 20 except as follows:

Absent-excused: Carona.

Senator Van de Putte offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 21

Amend the Amendment No. 13 by Shapiro to **SB 1581** by adding the following section _____. Subchapter G, Ch. 42, Education Code, is amended by adding Section 42.2525 to read as follows:

Section 42.2525. Adjustments for Certain Department of Defense Districts. "The Commissioner is granted the authority to ensure that Department of Defense school districts do not receive more than an eight percent reduction should the federal government reduce appropriations."

The amendment to Floor Amendment No. 13 to **SB 1581** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 21 except as follows:

Absent-excused: Carona.

Question recurring on the adoption of Floor Amendment No. 13 to **SB 1581**, the amendment as amended was adopted by the following vote: Yeas 17, Nays 13.

Yeas: Birdwell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Deuell, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 22

Amend **SB 1581** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEMPORARY EXEMPTION OR TAX REDUCTION FOR
CERTAIN HIGH-COST GAS

SECTION ____ . (a) Section 201.057, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Each month, the commission shall certify the average closing price of gas during the previous three months based on various price indices available to producers. The commission shall publish certifications under this subsection in the Texas Register. Notwithstanding any other provision of this section, the commission may not certify that gas is high-cost gas for purposes of this section during any month that the average closing price of gas certified by the commission for the previous three-month period is more than \$6.50 per mcf. If the price is later \$6.50 per mcf or less, any drilling and completion costs incurred during a month when the price exceeds \$6.50 per mcf are excluded from the calculation of the cumulative value of the exemption under Subsection (c).

(e-2) If the commission does not certify the gas as high-cost gas under Subsection (e-1), the comptroller shall determine the additional revenue from the tax imposed under this chapter that is attributable to the gas not being certified. After deducting the amount required by Section 201.403, the comptroller shall deposit that revenue to the credit of the foundation school program. Section 201.404 does not apply to revenue deposited under this subsection.

(b) The Railroad Commission of Texas shall publish the initial certification required by Section 201.057(e-1), Tax Code, as added by this section, not later than September 30, 2011.

The amendment to **SB 1581** was read.

Senator Davis withdrew Floor Amendment No. 22.

On motion of Senator Ogden and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

SB 1581 as amended was again passed to engrossment by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, West, Williams.

Nays: Davis, Deuell, Ellis, Gallegos, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: Carona.

SENATE BILL 1581 ON THIRD READING

Senator Ogden again moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1581** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, Wentworth, West, Williams.

Nays: Davis, Ellis, Gallegos, Uresti, Whitmire, Zaffirini.

Absent-excused: Carona.

SB 1581 was again passed by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, West, Williams.

Nays: Davis, Deuell, Ellis, Gallegos, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: Carona.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 354 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 354** at this time on its second reading:

CSSB 354, Relating to the carrying of concealed handguns on the campuses of and certain other locations associated with institutions of higher education.

The motion was lost by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Carona.

HOUSE BILL 3573 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **HB 3573** at this time on its second reading:

HB 3573, Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.

The motion prevailed.

Senator Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Watson.

Absent-excused: Carona.

HOUSE BILL 3573 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3573** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Watson.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 20, 2011 - 4

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 66 Hancock

Urging the United States Congress to prevent the Environmental Protection Agency from regulating greenhouse gases for stationary sources.

SB 23 Nelson Sponsor: Zerwas

Relating to the administration of and efficiency, cost-saving, fraud prevention, and funding measures for certain health and human services and health benefits programs, including the medical assistance and child health plan programs.

(Committee Substitute/Amended)

- SB 543** Hegar Sponsor: Taylor, Larry
Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.
- SB 587** Uresti Sponsor: Darby
Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.
- SB 660** Hinojosa Sponsor: Ritter
Relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.
(Committee Substitute/Amended)
- SB 663** Nichols Sponsor: Anchia
Relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.
(Amended)
- SB 710** Van de Putte Sponsor: Menendez
Relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.
- SB 761** West Sponsor: Truitt
Relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.
(Committee Substitute)
- SB 864** Rodriguez Sponsor: Marquez
Relating to the services included in a retail price list provided by a funeral establishment.
(Amended)
- SB 1416** Hinojosa Sponsor: Gallego
Relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.
(Amended)
- SCR 55** Seliger
Commemorating the lives of John Clinton Formby and Margaret Clark Formby.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 2825 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2825** at this time on its second reading:

HB 2825, Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Carona.

HOUSE BILL 2825 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2825** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3410 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3410** at this time on its second reading:

HB 3410, Relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3410** (committee printing) on page 2, line 5 by striking "September 1, 2011" and inserting "January 1, 2012".

The amendment to **HB 3410** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3410 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Carona.

HOUSE BILL 3410 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3410** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 430, SB 662, SB 688, SB 764, SB 800, SCR 50, SCR 53, SCR 54, HB 215, HB 423, HB 555, HB 591, HB 901, HB 1550, HB 1770, HB 2007, HB 2014, HB 2342, HB 2851, HB 3051, HB 3234.

(Senator Eltife in Chair)

HOUSE BILL 753 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 753** at this time on its second reading:

HB 753, Relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Ogden, Williams.

Absent-excused: Carona.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 753** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.074 to read as follows:

Sec. 40.074. CHILD WELFARE ASSESSMENT TASK FORCE. (a) The child welfare assessment task force is established to:

(1) study the assessments used by the department to determine the appropriate placement, treatment, and service needs for a child;

(2) develop a list of tools for providers to use when conducting behavioral assessments of children in the child welfare system; and

(3) develop guidelines regarding the contents of assessment reports.

(b) The task force consists of the following members appointed by the executive commissioner:

(1) one member from the National Association of Social Workers, Texas Chapter;

(2) one member from the Texas Foster Family Association;

(3) one member from the Texas Psychological Association;

(4) one member who is a member of the department's public-private partnership regarding foster care redesign;

(5) one member who receives or has received mental health services as a foster child;

(6) one member who is an advocate for children's interests in the child welfare system;

(7) one member who is a judge with experience working with cases involving child protective services;

(8) one member who is a parent with experience in the child welfare system;

(9) three members who are clinicians with experience in, and knowledge of, comprehensive assessments and training in trauma-informed assessment and care;

(10) one member from the department; and

(11) one member from the commission.

(c) Each member appointed to the task force must have experience and expertise relating to children's behavioral health and the study and prevention of child abuse and neglect.

(d) The task force shall elect a presiding officer by a vote of the membership of the task force.

(e) The task force shall meet at the call of the presiding officer.

(f) Not later than December 1, 2012, the task force shall prepare and submit to the commissioner a report containing:

(1) a description of the activities of the task force; and

(2) the findings and recommendations of the task force, including:

(A) a list of tools for providers to use when conducting behavioral assessments of children in the child welfare system; and

(B) guidelines regarding the contents of assessment reports.

(g) Not later than September 1, 2013, the department shall adopt policies that incorporate the findings and recommendations of the task force described by Subsection (f), to the extent that such recommendations:

(1) are generally accepted standards of practice or care for a physician, psychologist, or other professional who would conduct the assessment; and

(2) can be implemented within existing fiscal resources appropriated to the department.

(h) This section expires September 1, 2014.

SECTION _____. The executive commissioner of the Health and Human Services Commission shall make the appointments to the child welfare assessment task force created by this Act not later than January 1, 2012.

The amendment to **HB 753** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Ogden, Williams.

Absent-excused: Carona.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 753 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Ogden, Williams.

Absent-excused: Carona.

HOUSE BILL 753 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 753** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Ogden, Williams.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1818 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1818** at this time on its second reading:

CSHB 1818, Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1818** by adding the following appropriately numbered SECTION and renumbering remaining SECTIONS as appropriate:

SECTION _____. Section 392.0331, Local Government Code, is amended by amending Subsections (b) and (f) and adding Subsections (b-1) and (f-1) to read as follows:

(b) Except as provided by Subsection (b-1), in [H] appointing commissioners under Section 392.031, a municipality with a municipal housing authority composed of five commissioners shall appoint at least one commissioner to the authority who is a tenant of a public housing project over which the authority has jurisdiction. In appointing commissioners under Section 392.031, a municipality with a municipal housing authority composed of seven or more commissioners shall appoint at least two commissioners to the authority who are tenants of a public housing project over which the authority has jurisdiction.

(b-1) The presiding officer of the governing body of a municipality that has a municipal housing authority in which the total number of units is 150 or fewer is not required to appoint a tenant to the position of commissioner as otherwise required by Subsection (b) if the presiding officer has provided timely notice of a vacancy in the position to all eligible tenants and is unable to fill the position with an eligible tenant before the 60th day after the date the position becomes vacant.

(f) Except as provided by Subsection (f-1), a [A] commissioner appointed under this section may not serve more than two consecutive two-year terms.

(f-1) Subsection (f) does not apply to a municipality that has a municipal housing authority in which the total number of units is 150 or fewer.

The amendment to **CSHB 1818** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1818 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Carona.

COMMITTEE SUBSTITUTE HOUSE BILL 1818 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1818** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 2742 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2742** at this time on its second reading:

HB 2742, Relating to the business of structural pest control.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Carona.

HOUSE BILL 2742 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2742** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1951 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1951** at this time on its second reading:

CSHB 1951, Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1951** (senate committee printing) by striking ARTICLE 3 of the bill and substituting the following:

**ARTICLE 3. REGULATION OF PROPERTY AND CASUALTY INSURANCE
RATES**

SECTION 3.001. Section 706.004, Insurance Code, is amended to read as follows:

Sec. 706.004. RATES AND FORMS. Notwithstanding any other law, rates and forms for insurance coverage issued under this chapter are governed by:

- (1) Subchapters A-D [~~A-E~~], Chapter 2251;
- (2) Subchapter A, Chapter 2301; and
- (3) Article 5.13-2.

SECTION 3.002. Section 912.002(c), Insurance Code, is amended to read as follows:

(c) Rate ~~[regulation for a residential fire and allied lines insurance policy written by a county mutual insurance company is subject to Chapter 2253. On and after December 1, 2004, rate]~~ regulation for a personal automobile insurance policy and a residential property ~~[fire and allied lines]~~ insurance policy written by a county mutual insurance company is subject to Article 5.13-2, ~~[and]~~ Chapter 2251, and Chapter 2253. A county mutual insurance company is subject to Chapter 2253. The commissioner may adopt rules as necessary to implement this subsection.

SECTION 3.003. Section 1806.052, Insurance Code, is amended to read as follows:

Sec. 1806.052. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to prohibit the modification of rates by a rating plan that complies [is filed in accordance] with the requirements of Chapter 2251 or Article 5.13-2, as applicable, ~~[that has not been disapproved by the commissioner,]~~ and that is designed to encourage the prevention of accidents, and to account for all relevant factors inside and outside this state, including the peculiar hazards and experience of past and prospective individual risks.

SECTION 3.004. Section 2151.001(2), Insurance Code, is amended to read as follows:

(2) "Authorized insurer" means an insurer authorized by the department to write automobile liability coverage under this title. The ~~[Except as provided by Section 2251.204, the]~~ term does not include a county mutual insurance company organized under Chapter 912.

SECTION 3.005. Section 2251.001, Insurance Code, is amended to read as follows:

Sec. 2251.001. PURPOSE. The purposes of this subchapter and Subchapters B, C, and D~~[, and E]~~ are to:

- (1) promote the public welfare by regulating insurance rates to prohibit excessive, inadequate, or unfairly discriminatory rates;
- (2) promote the availability of insurance;
- (3) promote price competition among insurers to provide rates and premiums that are responsive to competitive market conditions;
- (4) prohibit price-fixing agreements and other anticompetitive behavior by insurers; and
- (5) provide regulatory procedures for the maintenance of appropriate information reporting systems.

SECTION 3.006. Section 2251.002(7), Insurance Code, is amended to read as follows:

(7) "Supplementary rating information" means any manual, rating schedule, plan of rules, rating rules, classification systems, territory codes and descriptions, rating plans, and other similar information used by the insurer to determine the applicable premium for an insured. The term includes the number of policyholders that would be affected by the rating information change and factors and relativities,

including increased limits factors, classification relativities, deductible relativities, premium discount, and other similar factors and rating plans such as experience, schedule, and retrospective rating.

SECTION 3.007. Section 2251.003, Insurance Code, is amended to read as follows:

Sec. 2251.003. **APPLICABILITY OF CERTAIN SUBCHAPTERS.** (a) This subchapter and Subchapters B, C, and D~~[, and E]~~ apply to:

(1) an insurer to which Article 5.13 applies, other than the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association; and

(2) except as provided by Subsection (c), a Lloyd's plan, reciprocal or interinsurance exchange, and county mutual insurance company with respect to the lines of insurance described by Subsection (b).

(b) This subchapter and Subchapters B, C, and D~~[, and E]~~ apply to all lines of the following kinds of insurance written under an insurance policy or contract issued by an insurer authorized to engage in the business of insurance in this state:

(1) general liability insurance;

(2) residential and commercial property insurance, including farm and ranch insurance and farm and ranch owners insurance;

(3) personal and commercial casualty insurance, except as provided by Section 2251.004;

(4) medical professional liability insurance;

(5) fidelity, guaranty, and surety bonds other than criminal court appearance bonds;

(6) personal umbrella insurance;

(7) personal liability insurance;

(8) guaranteed auto protection (GAP) insurance;

(9) involuntary unemployment insurance;

(10) financial guaranty insurance;

(11) inland marine insurance;

(12) rain insurance;

(13) hail insurance on farm crops;

(14) personal and commercial automobile insurance;

(15) multi-peril insurance; and

(16) identity theft insurance issued under Chapter 706.

(c) Sections 2251.008, 2251.052, 2251.101, 2251.102, ~~[2251.103, 2251.104,]~~ 2251.105, ~~[and]~~ 2251.107, and 2251.157 do not apply to a Lloyd's plan or a reciprocal or interinsurance exchange with respect to commercial property insurance, inland marine insurance, rain insurance, or hail insurance on farm crops.

SECTION 3.008. Section 2251.101(a), Insurance Code, is amended to read as follows:

(a) For ~~[Except as provided by Subchapter D, for]~~ risks written in this state, each insurer shall file with the commissioner all rates, applicable rating manuals, supplementary rating information, and additional information as required by the commissioner.

SECTION 3.009. The heading to Subchapter D, Chapter 2251, Insurance Code, is amended to read as follows:

SUBCHAPTER D. ~~[PRIOR]~~ APPROVAL AND DISAPPROVAL OF RATES
~~[UNDER CERTAIN CIRCUMSTANCES]~~

SECTION 3.010. Section 2251.151, Insurance Code, is amended to read as follows:

Sec. 2251.151. REQUIREMENT TO FILE RATES FOR PRIOR APPROVAL ~~[UNDER CERTAIN CIRCUMSTANCES]~~. (a) An insurer may not use a rate for a personal automobile insurance policy or residential property insurance policy until the rate has been filed with the department in accordance with Subchapter C and approved by the commissioner in accordance with this subchapter.

(b) For rates that are not subject to Subsection (a), ~~the [The]~~ commissioner by order may require an insurer to file with the department for the commissioner's approval all rates, supplementary rating information, and any supporting information in accordance with this subchapter if the commissioner determines that:

- (1) the insurer's rates require supervision because of the insurer's financial condition or rating practices; or
- (2) a statewide insurance emergency exists.

(c) ~~[(a-1)]~~ If an insurer whose rate is subject to Subsection (a) or (b) files a petition under Subchapter D, Chapter 36, for judicial review of an order disapproving the [a] rate under this chapter, the insurer must use the rates in effect for the insurer at the time the petition is filed and may not file and use any higher rate for the same line of insurance subject to this chapter before the matter subject to judicial review is finally resolved unless the insurer, in accordance with this subchapter, files the new rate with the department, along with any applicable supplementary rating information and supporting information, and obtains the commissioner's approval of the rate.

(d) ~~[(b)]~~ From the date a [of the filing of the] rate is filed with the department under this section to the effective date of the new rate, the insurer's previously filed rate that is in effect on the date of the filing remains in effect.

(e) ~~[(c)]~~ The commissioner may require an insurer to file the insurer's rates under Subsection (b) ~~[this section]~~ until the commissioner determines that the conditions described by that subsection ~~[Subsection (a)]~~ no longer exist.

(f) ~~[(d)]~~ For purposes of this chapter ~~[section]~~, a rate is filed with the department on the date the commissioner determines that the department has received all information necessary to evaluate [receives] the rate [filing].

(g) ~~[(e)]~~ If the commissioner requires an insurer to file the insurer's rates under Subsection (b) ~~[this section]~~, the commissioner shall issue an order specifying the commissioner's reasons for requiring the rate filing. An affected insurer is entitled to a hearing on written request made to the commissioner not later than the 30th day after the date the order is issued.

SECTION 3.011. Section 2251.152, Insurance Code, is amended to read as follows:

Sec. 2251.152. ~~[RATE APPROVAL REQUIRED;]~~ EXCEPTION TO CERTAIN RATE APPROVAL REQUIREMENTS. (a) After [An insurer subject to this subchapter may not use a rate until the rate has been filed with the department and approved by the commissioner in accordance with this subchapter.

~~[(b) Notwithstanding Subsection (a), after]~~ a rate filing required of an insurer under Section 2251.151(b) is approved under this subchapter, ~~the [an]~~ insurer, without prior approval of the commissioner, may use any rate subsequently filed by the insurer if the subsequently filed rate does not exceed the lesser of:

- (1) 107.5 percent of the rate approved by the commissioner; or
- (2) 110 percent of any rate used by the insurer in the previous 12-month period.

~~(b) [(e)]~~ Filed rates under Subsection (a) ~~[(b)]~~ take effect on the date specified by the insurer.

SECTION 3.012. Section 2251.153, Insurance Code, is amended to read as follows:

Sec. 2251.153. COMMISSIONER ACTION. (a) Not later than the 60th ~~[30th]~~ day after the date a rate is filed with the department under this subchapter, the commissioner shall:

(1) approve the rate if the commissioner determines that the rate complies with the requirements of this chapter and any other provision of this code governing the setting of the rate by the insurer; or

(2) disapprove the rate if the commissioner determines that the rate does not comply with the requirements of this chapter or any other provision of this code governing the setting of the rate by the insurer.

(b) Except as provided by Subsection (c), if a rate has not been approved or disapproved by the commissioner before the expiration of the 60-day ~~[30-day]~~ period described by Subsection (a), the rate is considered approved and the insurer may use the rate unless the rate proposed in the filing represents an increase of 12.5 percent or more from the insurer's previously filed rate.

(c) For good cause, the commissioner may, on the expiration of the 60-day ~~[30-day]~~ period described by Subsection (a), extend the period for approval or disapproval of a rate for a [one additional] 30-day period. ~~[The commissioner and the insurer may not by agreement extend the 30-day period described by Subsection (a).]~~

SECTION 3.013. Section 2251.154(a), Insurance Code, is amended to read as follows:

(a) If the department determines that the information filed by an insurer under this chapter is incomplete or otherwise deficient, the department may request additional information from the insurer. If the department requests additional information from the insurer during the initial approval ~~[30-day]~~ period provided by Section 2251.153(a) or under an extension [a second 30-day] ~~[a second 30-day]~~ period provided under Section 2251.153(c), the time between the date the department submits the request to the insurer and the date the department receives the information requested is not included in the computation of the initial approval ~~[first 30-day]~~ period or the extension ~~[second 30-day]~~ period, as applicable.

SECTION 3.014. Section 2251.156, Insurance Code, is amended to read as follows:

Sec. 2251.156. RATE FILING DISAPPROVAL BY COMMISSIONER; HEARING. (a) The commissioner shall disapprove a rate filing if the commissioner determines that the rate filing made under this chapter does not meet the standards under Subchapter B.

(b) If the commissioner disapproves a rate filing under this chapter [Section 2251.153(a)(2)], the commissioner shall issue an order specifying in what respects the filing fails to meet the requirements of this chapter or another provision of this code applicable to the setting of the rate by the insurer [disapproving the filing in accordance with Section 2251.103(b)].

(c) ~~(b)~~ An insurer whose rate filing is disapproved is entitled to a hearing on written request made to the commissioner not later than the 30th day after the date the order disapproving the rate filing takes effect [in accordance with Section 2251.103(e)].

SECTION 3.015. Section 2251.104, Insurance Code, is transferred to Subchapter D, Chapter 2251, Insurance Code, and redesignated as Section 2251.157 to read as follows:

Sec. 2251.157 [2251.104]. DISAPPROVAL OF RATE IN EFFECT; HEARING. (a) The commissioner may disapprove a rate that is in effect only after a hearing. The commissioner shall provide the filer at least 20 days' written notice.

(b) The commissioner must issue an order disapproving a rate under Subsection (a) not later than the 15th day after the close of the hearing. The order must:

(1) specify in what respects the rate fails to meet the requirements of this chapter; and

(2) state the date on which further use of the rate is prohibited, which may not be earlier than the 45th day after the close of the hearing under this section.

SECTION 3.016. The following provisions of the Insurance Code are repealed:

(1) Section 2251.103;

(2) Section 2251.155; and

(3) Subchapter E, Chapter 2251.

SECTION 3.017. The commissioner of insurance shall adopt all rules necessary to implement this article on or before December 1, 2011.

SECTION 3.018. The change in law made by this article applies to insurance policies delivered, issued for delivery, or renewed on or after January 1, 2012, and to rates for those policies. An insurance policy delivered, issued for delivery, or renewed before January 1, 2012, and rates for the policy are governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The amendment to **CSHB 1951** was read.

On motion of Senator Hegar, Floor Amendment No. 1 was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Birdwell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Deuell, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Carona.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1951** (senate committee printing) in ARTICLE 3 of the bill as follows:

(1) Strike existing SECTION 3.001 (page 5, lines 4-31) and substitute the following:

SECTION 3.001. Section 2251.101, Insurance Code, is amended to read as follows:

Sec. 2251.101. RATE FILINGS AND SUPPORTING INFORMATION. (a) Except as provided by Subchapter D, for risks written in this state, each insurer shall file with the commissioner all rates, applicable rating manuals, supplementary rating information, and additional supporting information that is sufficient to allow [as required by] the commissioner to determine whether filed rates meet applicable statutory standards. An insurer may use a rate filed under this subsection on and after the date the rate is filed.

(b) Supporting information required by Subsection (a) includes, at a minimum [The commissioner by rule shall determine the information required to be included in the filing, including]:

(1) actuarial information sufficient for a qualified actuary to determine whether the filed rates meet applicable statutory standards, including rate indications, the data and methodology used to calculate the rate indications, and, to the extent applicable:

(A) actual written premiums, earned premiums, incurred losses, and paid losses;

(B) data and methodologies used to calculate premiums at the current rate level and applicable on-level factors;

(C) the reasoning behind the number of experience years used in the filing along with an explanation of the weight given to experience years;

(D) data and methodologies used to determine loss and claim development factors;

(E) data and methodologies used to determine all premium and loss trend factors;

(F) data, information, and methodologies used to determine all hurricane and non-hurricane catastrophe factors or loss provisions, including the definition of catastrophe and an explanation of how the definition has changed over the experience period used to calculate the loss provisions;

(G) descriptions of and data, information, and methodologies used to calculate discounts and surcharges;

(H) data, information, and methodologies used to determine standards of credibility and any utilized complements to credibility;

(I) data, information, and a description of the methodologies and assumptions used to determine the cost of capital and the underwriting profit provision underlying the proposed rates;

(J) data, information, and methodologies used to determine any contingency factor used beyond the derived underwriting profit provision; and

(K) information used to determine all filing expense provisions including commissions, other acquisition costs, taxes, licenses, fees, general expenses, loss adjustment expenses, and any reinsurance expenses [categories of supporting information and supplementary rating information]; and

(2) rate change information, including all information relevant to determining the filer's rate change history, the statewide average proposed rate change for each coverage, form, or classification, and the total average rate change for all coverages, forms, and classifications combined [statistics or other information to support the rates to be used by the insurer, including information necessary to evidence that the computation of the rate does not include disallowed expenses; and

[3) information concerning policy fees, service fees, and other fees that are charged or collected by the insurer under Section 550.001 or 4005.003].

(c) The department may request additional information related to a rate filing as necessary. An insurer shall respond to a request for additional information under this subsection in writing not later than the 10th day after the date the insurer receives the request.

(d) The department shall consider incomplete any filing that does not comply with the filing requirements of Subsection (b) and return the filing to the insurer for completion.

(e) The commissioner by rule may provide additional specifications for information required to be included in the rate filing.

(2) In SECTION 3.011 (page 7, line 49), strike "Section 2251.103" and substitute "Sections 2251.101 and 2251.103".

The amendment to **CSHB 1951** was read.

On motion of Senator Hegar, Floor Amendment No. 2 was tabled by the following vote: Yeas 20, Nays 10.

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, West, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Zaffirini.

Absent-excused: Carona.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 1951** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . INDIVIDUAL HEALTH COVERAGE FOR CHILDREN

SECTION ____ .001. Section 1502.002, Insurance Code, is amended to read as follows:

Sec. 1502.002. RULES. (a) The commissioner may adopt rules to implement this chapter, including rules necessary to:

(1) increase the availability of coverage to children younger than 19 years of age;
(2) establish open enrollment periods; and
(3) establish qualifying events as exceptions to the open enrollment periods, including loss of coverage when a child becomes ineligible for coverage under the state child health plan.

(b) The commissioner may adopt rules on an emergency basis using the procedures established under Section 2001.034, Government Code.

(c) Notwithstanding Subsection (b), the commissioner is not required to make a finding under Section 2001.034(a), Government Code before adopting rules on an emergency basis.

The amendment to **CSHB 1951** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Carona.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 1951** (senate committee printing) by inserting the following appropriately numbered ARTICLE and renumbering existing ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ DISCLOSURE OF VARIABLES AFFECTING PREMIUMS FOR RESIDENTIAL PROPERTY OR PERSONAL AUTOMOBILE INSURANCE

SECTION ____ .001. Subchapter A, Chapter 521, Insurance Code, is amended by adding Section 521.006 to read as follows:

Sec. 521.006. DISCLOSURE OF CERTAIN RATING VARIABLES. (a) In this section, "insurer," "personal automobile insurance," and "residential property insurance" have the meanings assigned by Section 2301.051.

(b) Except as provided by this subsection, an insurer that issues a residential property or personal automobile insurance policy shall disclose to the insured as provided by this section all variables affecting the premium charged to the insured, including factors, relativities, tiers, increased limits factors, classification relativities, deductible relativities, discounts, surcharges, and fees. If more than 10 variables affect the premium charged to the insured, the insurer is not required to disclose all variables, but shall disclose, at a minimum:

(1) the 10 variables that have the greatest impact on the insured's premium;
and

(2) any other variables affecting the insured's premium that the commissioner by rule requires to be disclosed under this section.

(c) The disclosure required by this section must be in writing and:

(1) list the variables disclosed in order from the variable having the greatest impact on the insured's premium to the variable having the least impact on the insured's premium; and

(2) include a plain language description of each variable disclosed.

(d) An insurer shall provide the disclosure required by this section:

(1) at the time the policy is issued;

(2) with any:

(A) notice of renewal of the policy; or

(B) offer of replacement coverage made if the policy is not renewed;

and

(3) at any other time and in any other manner required by the commissioner by rule.

SECTION __.002. Section 32.102(a), Insurance Code, is amended to read as follows:

(a) The department, in conjunction with the office of public insurance counsel, shall establish and maintain a single Internet website that provides information to enable consumers to make informed decisions relating to the purchase of residential property insurance and personal automobile insurance. The website must include:

(1) a description of each type of residential property insurance policy and personal automobile insurance policy issued in this state, including a comparison of the coverage, exclusions, and restrictions of each policy that allows a side-by-side comparison of the features of the policy forms;

(2) a listing of each insurer writing residential property insurance or personal automobile insurance in this state, indexed by each county or zip code in which the insurer is actively writing that insurance, and a profile of the insurer that includes:

(A) contact information for the insurer, including the insurer's full name, address, and telephone number and the insurer's fax number and e-mail address, if available;

(B) information on rates charged by the insurer, including:

(i) sample rates for different policyholder profiles in each county or zip code; and

(ii) the percentage by which the sample rate has fallen or risen due to filings in the previous 12, 24, and 36 months;

(C) a list of policy forms, exclusions, endorsements, and discounts offered by the insurer;

(D) an indication of whether the insurer uses credit scoring in underwriting, rating, or tiering, and a link to the insurer's credit model or a link explaining how to request the insurer's credit model;

(E) the insurer's financial rating determined by A. M. Best or similar rating organization and an explanation of the meaning and importance of the rating;

(F) a complaint ratio or similar complaint rating system for the insurer for each of the previous three years and an explanation of the meaning of the rating system; ~~and~~

(G) information, other than information made confidential by law, on the insurer's regulatory and administrative experience with the department, the office of public insurance counsel, and insurance regulatory authorities in other states; and

(H) a list and plain-language description of each variable described by Section 521.006(b) that may be used by the insurer to determine a policyholder's premium; and

(3) if feasible, as determined by the commissioner and the public insurance counsel:

(A) a side-by-side comparison of credit scoring models, including factors, key variables, and weights, of residential property insurers in this state; and

(B) a side-by-side comparison of credit scoring models, including factors, key variables, and weights, of private passenger automobile insurers in this state.

The amendment to **CSHB 1951** was read.

On motion of Senator Hegar, Floor Amendment No. 4 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Absent-excused: Carona.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 1951** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE __. LIMITED PROPERTY AND CASUALTY INSURANCE LICENSES
SECTION _____. Section 4051.101(c), Insurance Code, is amended to read as follows:

(c) This section does not apply to a person who wrote for the previous calendar year:

(1) policies authorized by Chapter 911 for a farm mutual insurance company that generated, in the aggregate, less than \$50,000 in direct premium; [ø]

(2) industrial fire insurance policies that generated, in the aggregate, less than \$20,000 in direct premium; or

(3) policies authorized by Chapter 962 for an insurer that generated, in the aggregate, less than \$40,000 in direct premium.

The amendment to **CSHB 1951** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5 except as follows:

Absent-excused: Carona.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1951 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1951 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1951** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2817 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2817** at this time on its second reading:

CSHB 2817, Relating to certain election practices and procedures.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2817 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2817** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3788 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **HB 3788** at this time on its second reading:

HB 3788, Relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.

The motion prevailed.

Senators Harris, Nelson, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3788** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 158.0095(b), Local Government Code (page 1, line 26), and in SECTION 2 of the bill, in added Section 158.0355(b), Local Government Code (page 1, line 52), strike "pertinent" and substitute "relevant".

(2) In SECTION 1 of the bill, in added Section 158.0095(b), Local Government Code (page 1, line 27), strike "10th" and substitute "15th".

The amendment to **HB 3788** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3788 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Harris, Nelson, Patrick, Shapiro.

Absent-excused: Carona.

HOUSE BILL 3788 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3788** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Nelson, Patrick, Shapiro.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

**HOUSE BILL 1788 REREFERRED
(Motion In Writing)**

Senator Uresti submitted a Motion In Writing requesting that **HB 1788** be withdrawn from the Committee on Agriculture and Rural Affairs and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

HOUSE BILL 2387 REREFERRED
(Motion In Writing)

Senator Lucio submitted a Motion In Writing requesting that **HB 2387** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **HB 971** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider the following bills today:

HB 1604, HB 1788, HB 2387, HB 3841.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills tomorrow: **HB 628, HB 2595.**

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Higher Education might meet tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills tomorrow: **HB 1517, HB 2651, HB 2771, HB 3422, HB 3423, HB 2990.**

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

CO-AUTHOR OF SENATE BILL 774

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 774.**

CO-SPONSOR OF HOUSE BILL 1937

On motion of Senator Patrick, Senator West will be shown as Co-sponsor of **HB 1937**.

CO-SPONSORS OF HOUSE CONCURRENT RESOLUTION 100

On motion of Senator Zaffirini, Senators Birdwell, Huffman, Nichols, Ogden, Uresti, Watson, Wentworth, and Williams will be shown as Co-sponsors of **HCR 100**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1044 by Watson, In memory of Paul Eugene Green of Austin.

SR 1047 by Watson, In memory of Hal Box of Austin.

SR 1049 by Watson, In memory of Marilyn Nelson Kretzer.

SR 1052 by Shapiro, In memory of James Wyatt "Jim" Edwards.

SR 1055 by Watson, In memory of Albert Anthony Pinnelli, Sr., of Elgin.

HCR 151 (Eltife), In memory of Bowie County Transport Deputy Sherri Jones.

Congratulatory Resolutions

SR 1048 by Watson, Recognizing John Tristan on the occasion of his retirement from the Texas Department of Aging and Disability Services.

SR 1051 by Shapiro, Recognizing Beverly Kishpaugh for her service to Texans for Lawsuit Reform.

SR 1053 by Watson, Recognizing Owen Whitworth on the occasion of his retirement from the Texas Department of Transportation.

SR 1054 by Watson, Recognizing Elaine Walker on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 9:34 p.m. adjourned, in memory of the lives of John Clinton Formby and Margaret Clark Formby, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 20, 2011

OPEN GOVERNMENT — **HB 1500**

EDUCATION — **CSHB 2909, CSSB 1813**

BUSINESS AND COMMERCE — **CSHB 272, CSHB 2408, HB 2931** (Amended),
CSHB 3116, CSHB 3453, CSHB 3595

ADMINISTRATION — **HB 1070, HCR 130, HCR 117**

OPEN GOVERNMENT — **CSHB 2947, CSHB 2463**

HEALTH AND HUMAN SERVICES — **HB 335, HB 710, HB 807, HB 1476**

ADMINISTRATION — **HB 1274**

HEALTH AND HUMAN SERVICES — **HB 2722, HB 2819, HB 3197, HB 3724**

NATURAL RESOURCES — **HB 3268, HB 3597, HB 3866, HB 2507**

FINANCE — **CSHB 1732, CSHB 2810**

AGRICULTURE AND RURAL AFFAIRS — **HB 2994, HB 3199, HB 790,**
HB 1080, HB 1969, HB 3696

FINANCE — **CSHJR 109, CSHB 3647**

EDUCATION — **HB 2380, HB 675, HB 398, HB 2247, CSHB 3468, HB 1224**

ECONOMIC DEVELOPMENT — **CSHB 1315**

NATURAL RESOURCES — **CSHB 218, CSHB 3109**

EDUCATION — **CSHB 1610**

NATURAL RESOURCES — **CSHB 3090**

HEALTH AND HUMAN SERVICES — **CSHB 2136, CSHB 2975**

STATE AFFAIRS — **HB 2190, HB 1129, HB 1046, HB 159, HB 2193, HB 1528,**
HB 336, HB 254

EDUCATION — **CSHB 1942**

STATE AFFAIRS — **CSHB 2173**

HEALTH AND HUMAN SERVICES — **CSHB 13, CSHB 680**

ECONOMIC DEVELOPMENT — **HB 1033, HB 1234, HB 2902, HB 3275,**
HB 2729, HB 1839

ADMINISTRATION — **HB 2702** (Amended)

EDUCATION — **HB 359** (Amended)

TRANSPORTATION AND HOMELAND SECURITY — **HB 2256**

EDUCATION — **CSHB 1386**

TRANSPORTATION AND HOMELAND SECURITY — **HCR 42, HB 2770,**
HB 2734, HB 2346

HEALTH AND HUMAN SERVICES — **CSHB 167**

TRANSPORTATION AND HOMELAND SECURITY — **HB 2872, HB 2792**

STATE AFFAIRS — **CSHB 2102**

EDUCATION — **CSHB 1335**

TRANSPORTATION AND HOMELAND SECURITY — **HB 2541, HB 2575, HB 3030, HB 2960, HB 3421, HB 3722, HB 3730, HB 3823, HB 3843**

HIGHER EDUCATION — **HB 2365, HB 452, HB 33, HCR 129**

INTERGOVERNMENTAL RELATIONS — **CSHB 2779, CSHB 811, CSHB 1413, CSHB 2207, CSHB 2516, CSHB 232, CSHB 3827, CSHB 2265, CSHB 1619, CSHB 1371, CSHB 1568**

STATE AFFAIRS — **CSHB 2194**

INTERGOVERNMENTAL RELATIONS — **CSHB 1759**

CRIMINAL JUSTICE — **CSHB 2662**

INTERGOVERNMENTAL RELATIONS — **CSHB 1757**

CRIMINAL JUSTICE — **CSHB 1638**

INTERGOVERNMENTAL RELATIONS — **CSHB 1756**

CRIMINAL JUSTICE — **HB 2847** (Amended)

INTERGOVERNMENTAL RELATIONS — **CSHB 1760, CSHB 1758**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 2357, CSHB 3099, CSHB 3771, CSHB 2981, CSHB 2396, CSHB 3324, CSHB 2596, CSHB 2327**

HEALTH AND HUMAN SERVICES — **CSHB 300**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 422**

BILLS ENGROSSED

May 19, 2011

SB 774, SB 824, SB 1645, SB 1920, SB 1927, SB 1928

BILLS AND RESOLUTIONS ENROLLED

May 19, 2011

SB 430, SB 662, SB 688, SB 764, SB 800, SCR 50, SCR 53, SCR 54, SR 996, SR 1039, SR 1040, SR 1041, SR 1042, SR 1043, SR 1046

SIGNED BY GOVERNOR

May 20, 2011

SB 656, SB 893, SB 980, SB 1104, SB 1153, SB 1160, SB 1168, SB 1341, SB 1680

In Memory
of
John Clinton Formby and Margaret Clark Formby
Senate Concurrent Resolution 55

WHEREAS, The Legislature of the State of Texas honors and commemorates the lives of John Clinton Formby and Margaret Clark Formby; and

WHEREAS, This distinguished couple was widely admired throughout the Panhandle and the state for their many contributions to their community and their respective fields of endeavor; and

WHEREAS, John Clinton Formby, known as Clint Formby, was born December 23, 1923, in McAdoo; after graduating from McAdoo High School, he entered Texas Tech University; he left school to enlist in the United States Army during World War II, and he served as a staff sergeant and medic at the 235th General Hospital in Marseille, France; and

WHEREAS, Margaret Clark Formby was born July 12, 1929, in Van Horn; salutatorian of her 1946 class at Van Horn High School, she attended Texas Tech University, where she became the first Miss Texas Tech; and

WHEREAS, After the war, Clint Formby returned to Texas Tech University, where he met Margaret, and they were married; while attending school, he worked with his uncle on the construction of the KPAN-AM radio station in Hereford, and his was the first voice heard on the air when the station began broadcasting; and

WHEREAS, Mrs. Formby had a lifelong interest in the role women have played in western culture, and she built an impressive collection of western and rodeo artifacts; to highlight the many contributions that women made to the legacy of the West, she founded the National Cowgirl Museum and Hall of Fame in Hereford, using her collection as its foundation; the museum has since moved to the heart of the Fort Worth cultural district, where it continues to delight visitors from across the nation; and

WHEREAS, Mr. Formby crafted a long and illustrious career in the radio industry; known on-air as the "Old Philosopher," he did a daily broadcast on a wide variety of topics that ran for more than half a century on KPAN-AM and FM, the longest-running daily radio broadcast by a single host in the country; and

WHEREAS, The couple was active in numerous civic organizations and each won numerous accolades for community service; Mr. Formby served as president of the Deaf Smith County Chamber of Commerce and of the Kiwanis Club, was named Citizen of the Year, and in 1984 was inducted into the Hall of Fame of the Texas Association of Broadcasters; Mrs. Formby worked with the American Cancer Society and the Kings Manor Methodist Home, and she helped to establish the Cowboy Symposium held at Texas

Tech University, where she served on the board of the National Ranching Heritage Center; she was also the first woman elected to the Texas Tech University Rodeo Hall of Fame; and

WHEREAS, Mr. and Mrs. Formby enjoyed more than 50 years of marriage and raised five children, Larry, Marshall, Ben, and Scott Formby, and the late Linda Kay Formby; and

WHEREAS, They were beloved by their family and countless friends, and although they are deeply missed, their generosity of spirit and their many accomplishments will continue to live in the hearts and minds of those they left behind; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay tribute to the lives and shared legacy of Margaret Formby and Clint Formby; and, be it further

RESOLVED, That a copy of this resolution be prepared for their family as an expression of admiration and tribute from the Texas Legislature, and that when the Senate and the House of Representatives adjourn this day, they do so in memory of Margaret and Clint Formby.

SELIGER
DUNCAN

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ADDENDUM

(SIXTY-FOURTH DAY — Friday, May 20, 2011)

The following remarks regarding Floor Amendment No. 16 to **SB 1581** were ordered reduced to writing and printed in the *Senate Journal*.

President: The Chair lays out Floor Amendment No. 16 by Senator Deuell. The Secretary will read the amendment.

Secretary of the Senate: Floor Amendment No. 16 by Deuell, amending Floor Amendment No. 13.

President: The Chair recognizes Senator Deuell on Floor Amendment 16.

Senator Deuell: Thank you Mr. President. Members, this amendment is designed to fix and get rid of target revenue, something that has created inequities within our school system. Before I explain the amendment I'd like to read from the Foundation School Program book by the Legislative Budget Board: Fiscal neutrality, commonly referred to as equity, entails a public school finance system that provides for substantially equal access to similar revenue per student at similar tax effort considering all state and local tax revenues of districts after acknowledging all legitimate student and district cost differences. They go on to say: The equity of the public school finance system as measured by the analysis presented here has declined since the implementation of the related statutory provisions of the 2006 legislation. They go on to say: The effect of the base year revenue target and the hold harmless funds that flowed from it was to override the equity gained in the formula structure and lock in the inequities that existed in the system in those base years. Other inequities have a larger impact. Members, I voted as many of you did for the school refinance in 2006. We knew there were inequities, and we were supposed to fix them, but we haven't. And the budget shortfall that we've had this year has created other difficulties, but I want to explain about this amendment. This was an agreed-to amendment to the Committee Substitute Senate Bill 22. I voted against the bill coming out of Committee because of the inequities, and then offered to vote to suspend on the floor if we could work out an amendment that would set a mechanism to get rid of target revenue. Target revenue is, as you heard from previous discussions that I won't repeat, there is something in here to get rid of it, but there's no mechanism. And the general consensus, I think, probably unanimously, everybody thinks we need to get rid of target revenue. And Committee Substitute to Senate Bill 22 started that debate. I first proposed this amendment to phase out target revenue after the 2012-2013 biennium over a period of four years. Many thought that that was

too fast. Of the many, many districts in the state that benefited from this target revenue, hold harmless plan, they get used to spending the money. I served on a school board, and I understand that. But many, many more school districts affecting the majority of children in Texas are underfunded. They're not getting the inequities, and I'm going to read inequities from each Senate District in a minute. So, but, in respect to the Members who have districts that were overfunded, I'll use that term, we needed a longer phase out of six years. But we wanted to bring the lower funded districts up in a shorter amount of time. So what we did with this amendment was, we added money to the 2.4 billion: 1.6 billion, 800 million in the next biennium, and 800 million in the biennium after that to speed up the process. We accelerated the basic allotment. Members, the amendment before you accomplishes the following: It reduces hold harmless by one-sixth in each year, Fiscal Year '14 through Fiscal Year '19. Savings achieved by reducing the hold harmless are funneled into the basic allotment. It directs new money into the system. A total of 1.6 billion, as I said, above the amount returned to the system by Committee Substitute 22 in Fiscal Years '14 and '17. This act will bring us to current law spending in Fiscal Year '17. I want to take the time to read to you inequities within our system and the various school districts. Senate District 1, Senator Eltife, your lowest district is \$3,926, your highest district is \$6,981. In my district, Senate District 2, the lowest school district is funded at \$4,576, the highest district at \$6,261. Senator Nichols, Senate District 3, the lowest district is \$4,407, the highest district is \$7,367. Senator Williams, Senate District 4, the lowest district is \$4,615, the highest district is \$7,064. Senator Ogden, the lowest district, Senate District 5, your lowest school district is \$4,694, and the highest is \$8,646. Senator Gallegos, Senate District 2, the lowest district is \$4,890, the highest district is \$5,668. Senate District 7, Senator Patrick, the lowest district is \$4,772, the highest district is \$6,024. Senator Shapiro, Senate District 8, the lowest district is \$5,194, the highest is \$7,418. Senator Harris, Senate District 9, the lowest district is \$4,836, the highest district is \$5,706. Senator Davis, Senate District 10, the lowest district is \$4,797, the highest district is \$6,880. Senator Jackson, Senate District 11, the lowest district is \$4,863, the highest district is \$5,984. Senator Nelson, Senate District 12, the lowest district is \$4,770, the highest district is \$7,050. Senator Ellis, Senate District 13, the lowest district is \$4,890, the highest district is \$5,292. Senator Watson, Senate District 14, the lowest district is \$5,102, the highest is \$6,282. Senator Whitmire, Senate District 15, the lowest district is \$4,887, the highest is \$6,459. Senator Carona, Senate District 16, the lowest district is \$4,780, the highest is \$5,856. Senator Huffman, Senate District 17, the lowest district is \$4,804, the highest district is \$6,876. Senator Hegar, Senate District 18, the lowest district is \$4,710, the highest district is \$7,935. Senate District 19, Senator Uresti, the lowest district is \$3,831, the highest district, Members, is \$12,400. There's a \$9,000 difference in those two school districts. Senator Hinojosa, Senate District 20, the low district is \$4,678, the high district is \$9,548. Senator Zaffirini, Senate District 21, your lowest district is \$3,732, your highest district is \$10,908, nearly a \$7,000 difference. Senator Birdwell, Senate District 22, the lowest district is \$4,118, the highest district is \$7,750. Senator West, Senate District 23, the lowest district is \$4,884, the highest district is \$5,430. Senator Fraser, Senate District 24, the lowest district is \$3,896, the highest district is \$6,864. Senator Wentworth, Senate District 25, the lowest district is \$4,426, the highest

district is \$6,109. Senator Van de Putte, Senate District 26, the lowest is \$3,759, the highest is \$5,573. Senator Lucio, Senate District 27, \$4,304 for your lowest district, \$7,321 for your highest. Senator Duncan, Senate District 28, your lowest is \$4,390, your highest is \$12,979. Senator Rodriguez, District 29, your lowest district is \$4,614, your high is \$5,083. Senator Estes, your low district is \$4,425, and your high is \$7,488. Senator Seliger, your low district is \$4,432, your highest is \$12,387. Members, that's why we need to get rid of target revenue. Now, I understand money has been short, and this easy solution would have been to raise up the target, the low target revenue schools and then ease the others down with money which we didn't have. However, we do have the Rainy Day Fund. For the life of me, I cannot understand why we would not use that to help equalize this system. There are vast disparities in district funding as you just heard. We implemented this as a temporary finance method. It froze old inequities in place, making them perpetual, and they got worse. It created new inequities. For example, that a district's property value go up more than another district's. The system before target revenue was based on prior year value, so districts benefited from increased property values for one year, but then that benefit was taken away the following year. Target revenue blocked, locked in situations like this. Districts are not funded based on cost, and, in turn, state and local taxpayer dollars are not being utilized efficiently. Members, I could go on, and I won't in the interest of time. But I do want to read a letter that Senator Shapiro received from my superintendent in Greenville. And I won't read the whole letter, but he says: Now when I hear that your support for 5 percent across the board cut in school funding I'm greatly discouraged. I have attached a chart that compares Greenville ISD, 4,800 students, and one of my neighboring school districts, Lovejoy ISD, 3,500 school districts, which I believe is in Senator Shapiro's district, in regards to state funding. The chart clearly shows that Lovejoy received over \$2,400 more per student than Greenville. With that type of funding they enjoy additional staff and programs that we cannot even dream about. For example, they have six curriculum specialists and we have none. I do have two curriculum directors, however their curriculum department is almost as large as my administrative staff. So when we cut 5 percent, that would directly impact students and teachers. When districts like Lovejoy cut 5 percent, it will have less direct impact on their students and teachers. I do not blame Lovejoy. I blame the system that tells our parents that their children are worth over \$2,400 less than the children in Lovejoy. You have it in your power to lead and make changes in this inequitable system. On behalf of underfunded and disadvantaged students across the state, please exercise this leadership. Members, I'm going to pull this amendment. I'm not sure if I have the votes or not. I would hope that I would. But I'm going to pull it because I promised Senator Ogden that I would. But I'm deeply disappointed that I've worked to an agreed-to amendment. I am disappointed that I had the votes to bring up Committee Substitute 22, and it didn't come up, and it's placed on this. Thank you for your time.

President: Thank you Senator. Senator Davis, for what purpose do you rise?

Senator Davis: Well, Mr. President, it may not be pertinent for me now to ask a question that Senator Deuell has pulled his amendment. But I do want to comment, Senator Deuell. I agree with you, and I know a number of Members on this floor agree with you that that is a direction that we need to take. And if truly it's the case

that we intend to fulfill our commitment to ending target revenue, rather than saying we're going to deal in a small way with that right now, and then in 2017 we promise we'll take care of it, I think your proposal was a very good one, one that truly did try to help us get back to an equitable system. One question that I had, you read all those numbers for each of our districts, and they were vastly different. But between the very lowest district in Texas, the lowest WADA in Texas and the highest, what's the lowest and what's the highest?

Senator Deuell: I don't remember off the top of my head, but it was, I think, 3,800 was the lowest and 12,000, almost 13,000. And I might add, Senator Davis, that if you look at tax effort with these schools, that the schools getting the lowest funding on target revenue seem to be the ones that are taxing up at \$1.17, and the districts that are funded higher under this are the ones that are funding, if you look at the top 100, they're taxing at \$1.00 on average. If you look at the lower 100, they're taxing at \$1.16, another inequity to this system.

Senator Davis: And an excellent point, Senator Deuell. What we're looking at is an almost eight to nine thousand dollar difference between some of our lowest funded school districts and our highest. And for those lowest funded, as you point out, their tax rate is even greater because they're doing everything they can to try to make up the difference between what they aren't receiving from the state and what they can't collect because their property valuations are lower in their communities. I think you've done a beautiful job of pointing out what's broken about school funding in the State of Texas and why it so desperately needs to be fixed. And I applaud you for all the work that you did.

Senator Deuell: Well, thank you.

Senator Davis: Thank you.

Senator Deuell: I want to point one more, in my district the lowest district is 4,500 and the highest is 6,000. And I received an E-mail from the superintendent of the highest-funded school district, who knew I was proposing to do this. And what he said was, this is going to hurt our district, but what you're doing is fair and it represents the great majority of the districts in your district, and I appreciate that. So here was a superintendent who would take a cut, but he realizes this system is unfair. And I certainly hope that if I'm lucky enough to be back here in two years, that we can fix this and get rid of it. Thank you Mr. President.

President: Senator Nichols, for what purpose do you rise?

Senator Nichols: I was going to ask Senator Deuell a question.

President: Will Senator Deuell yield?

Senator Deuell: I guess I need to ask you to put my amendment back up, even though we're not going to vote on it.

Senator Nichols: First of all, I didn't realize it was officially pulled down yet. I thought you were still discussing it. I, let me just say this, I know that our districts are somewhat similar, they're very close. Many of the schools that are on the short end of the stick are in my district as well as yours. And it's something, it is extremely difficult for me to explain why some get a lot more and some don't. It is unfair. My

predecessor had struggled with this issue before me. He referred to it as, a child should not get differences in education by their ZIP Code. But that is how we have chosen to do it in Texas. I've strongly objected to it. I do agree with your amendment and your attempts to try to fix it. And, certainly, will be voting with you if you wanted me to. But I think you said, as you said, there isn't the votes to get it done. And I think the direction we're going is the best that we're going to be able to get this session. So I want to thank you very much for the work you've done.

Senator Deuell: Thank you, thank you, Senator Nichols. And I might add, Senator Duncan and Senator Seliger, I mean there're many Senators in this room, I think you can see from what I read out, that have these inequities. And, Members, I'm going to pull it down out of respect to the Chairman. But we really can fix this and set in a mechanism. And Senator Duncan's going to introduce an amendment that I was asked to do in place of this, but all it says is that we're going to consider it. We've been considering in '07 and '09, and we've considered now, and the Committee Substitute to Senate Bill 22 does go somewhat toward that direction. But we could do it a lot better. And I think the schoolchildren of Texas deserve better, and I think our teachers and superintendents deserve better. But unless there's other questions, I'll pull it down.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIFTH DAY

(Saturday, May 21, 2011)

The Senate met at 10:29 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Beth Magill, The University of Texas Episcopal Campus Ministry, Austin, offered the invocation as follows:

Holy and living God, our times are in Your hands. We give You thanks for this gathering and for the opportunities that are before us this day. Prepare us to serve those whom we represent. From every community and every corner of this state, keep foremost in our minds those on whose behalf we speak. Remind us of their needs, and give us the grace to effectively convey them. As leaders in our local communities, make us aware of the trust that we have been afforded. Give us courage to speak boldly and envision without caution. Grant that we may have humble hearts, remembering that all we are and all we have comes from You, holy one. In all that we do, keep us mindful of the needs of humanity. For those who are hungry, suffering, weak, or in any kind of affliction, heal them. Help us to be responsible stewards of Your creation. Create in us grateful hearts for the abundance of blessings that we each have been given. Where there are divisions among us, bring peace. Where there is distrust, grant us an open mind and ears to listen. Help us to be present to those who are new in our midst, always keeping in mind that together we are stronger. We thank You, gracious God, for this nation and the opportunity to serve freely and express our thoughts and opinions openly. Grant that we may be in service of the greater good for all God's people. Bless this gathering and our time together. Give us the grace to recognize the task before us and the will to accomplish it. In God's holy name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:32 a.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate Boy Scout Troop 1000.

The Senate welcomed its guests.

HOUSE BILL 1422 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1422** at this time on its second reading:

HB 1422, Relating to the issuance of titles for certain motor vehicles that are the subject of insurance claims.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1422** (house engrossed version) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION ____. Section 501.093(a), Transportation Code, is amended to read as follows:

(a) If an insurance company pays a claim on a nonrepairable motor vehicle or salvage motor vehicle and the insurance company does not acquire ownership of the motor vehicle, the insurance company shall:

(1) submit to the department, before the 31st day after the date of the payment of the claim, on the form prescribed by the department, a report stating that the insurance company:

(A) [~~(1)~~] has paid a claim on the motor vehicle; and

(B) [~~(2)~~] has not acquired ownership of the motor vehicle; and

(2) provide notice to the owner of the motor vehicle of:

(A) the report required under Subdivision (1); and

(B) the requirements for operation or transfer of ownership of the motor vehicle under Subsection (b).

The amendment to **HB 1422** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1422 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1422 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1422** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2417 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2417** at this time on its second reading:

HB 2417, Relating to the Texas Code of Military Justice.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2417 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 534 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 534** at this time on its second reading:

HB 534, Relating to the powers and duties of the Gunter Municipal Utility Districts Nos. 1 and 2.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 534** (senate committee printing) as follows:

(1) Before SECTION 1 of the bill, between the enacting clause and "SECTION 1." (page 1, between lines 11 and 12), insert the following:

ARTICLE ____. GUNTER MUNICIPAL UTILITY DISTRICTS NOS. 1 AND 2

(2) Renumber the SECTIONS of ARTICLE 1 (page 1, line 12 through page 3, line 15) appropriately.

(3) In SECTION 5 of the bill (page 2, line 67), strike "Act" and substitute "article".

(4) In SECTION 5 of the bill (page 2, line 68), strike "Act" and substitute "article".

(5) In SECTION 5 of the bill (page 2, line 69), strike "Act" and substitute "article".

(6) In SECTION 5 of the bill (page 3, line 5), strike "Act" and substitute "article".

(7) In SECTION 5 of the bill (page 3, line 8), strike "Act" and substitute "article".

(8) In SECTION 5 of the bill (page 3, line 13), strike "Act" and substitute "article".

(9) In SECTION 6 of the bill (page 3, line 15), strike "Act" and substitute "article".

(10) After SECTION 6 of the bill (page 3, line 15), add the following appropriately numbered ARTICLES and SECTIONS:

ARTICLE ____ . MUSTANG RANCH MUNICIPAL MANAGEMENT DISTRICT
NO. 1

SECTION ____ .01. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3885 to read as follows:

CHAPTER 3885. MUSTANG RANCH MUNICIPAL MANAGEMENT DISTRICT
NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3885.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Celina, Texas.

(3) "County" means Collin County, Texas.

(4) "Development agreement" means the development agreement between the city and Celina 682 Partners, L.P., initially effective June 11, 2007.

(5) "Director" means a board member.

(6) "District" means the Mustang Ranch Municipal Management District

No. 1.

Sec. 3885.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3885.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or county from providing the level of services provided to the area in the district as of the effective date of the article of the Act enacting this chapter. The district is created to supplement and not to supplant the city and county services provided in the district.

Sec. 3885.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3885.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section _____.02 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section _____.02 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3885.253 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment, or collect other revenue; or

(5) legality or operation.

Sec. 3885.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax

Code;

(3) an enterprise zone created under Chapter 2303, Government Code; or

(4) an industrial district created under Chapter 42, Local Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3885.253.

(c) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3885.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3885.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 3885.009-3885.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3885.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors composed of:

(1) two directors appointed by the governing body of the city;

(2) one director appointed by the governing body of the city who is an employee of the Prosper Independent School District;

(3) the city manager; and

(4) the city's chief financial officer.

(b) An appointed director serves a term of four years.

Sec. 3885.052. QUALIFICATIONS OF DIRECTOR. (a) Section 375.063, Local Government Code, does not apply to a director employed by the city or the Prosper Independent School District.

(b) Section 49.052, Water Code, does not apply to the district.

Sec. 3885.053. VACANCY. The governing body of the city shall appoint a director to fill a vacancy on the board for the remainder of the unexpired term.

Sec. 3885.054. DIRECTOR'S OATH OR AFFIRMATION. A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

Sec. 3885.055. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary.

Sec. 3885.056. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of a director.

Sec. 3885.057. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures the directors against personal liability and from all claims for actions taken as directors or actions and activities taken by the district or by others acting on its behalf.

Sec. 3885.058. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3885.059. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

(1) Rod Hogan, city manager;

(2) Jay Toutouchian, city chief financial officer;

(3) Jim Melino;

(4) Drew Watkins, Prosper Independent School District employee; and

(5) a director appointed by the governing body of the city.

(b) Of the initial directors, the term of the director appointed under Subsection (a)(3) expires May 31, 2014, and the terms of the directors appointed under Subsections (a)(4) and (5) expire May 31, 2012.

(c) This section expires September 1, 2014.

[Sections 3885.060-3885.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3885.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3885.102. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects described by Subchapter C-1 or activities in support of or incidental to those projects.

Sec. 3885.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3885.104. ROAD DISTRICT POWERS. The district has the powers provided by the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapter 441, Transportation Code.

Sec. 3885.105. PUBLIC IMPROVEMENT DISTRICT POWERS. The district has the powers provided by Chapter 372, Local Government Code, to a municipality or county.

Sec. 3885.106. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3885.107. EMERGENCY SERVICES. (a) This section applies only to territory in the district:

- (1) that is in the extraterritorial jurisdiction of the city;
- (2) for which a plat has been filed; and
- (3) that includes 100 or more residents.

(b) To protect the public interest, the district shall provide or contract with a qualified party to provide emergency services, including law enforcement, fire, and ambulance services, in the territory described by Subsection (a).

Sec. 3885.108. AMENDMENT OF DEVELOPMENT AGREEMENT. The parties to the development agreement may amend the agreement as necessary to accomplish the purposes of the district.

Sec. 3885.109. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

- (1) make loans and grants of public money; and
- (2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

- (1) Chapter 380, Local Government Code, provides to a municipality; and
- (2) Subchapter A, Chapter 1509, Government Code, provides to a

municipality.

Sec. 3885.110. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Sec. 3885.111. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

[Sections 3885.112-3885.150 reserved for expansion]

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3885.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3885.152. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project unless the board determines the project:

- (1) is necessary to accomplish a public purpose of the district; and

(2) complies with the development agreement or the parties to the development agreement agree to the project, in writing.

Sec. 3885.153. LOCATION OF IMPROVEMENT PROJECT. An improvement project may be inside or outside the district.

Sec. 3885.154. CITY REQUIREMENTS. (a) An improvement project in the city must comply with any applicable requirements of the city, including codes and ordinances, that are consistent with the development agreement.

(b) The district may not provide, conduct, or authorize any improvement project on the city's streets, highways, rights-of-way, or easements without the consent of the governing body of the city.

Sec. 3885.155. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

Sec. 3885.156. CONTRACTS. A contract to design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project is considered a contract for a good or service under Subchapter I, Chapter 271, Local Government Code.

[Sections 3885.157-3885.200 reserved for expansion]

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 3885.201. DIVISION OF DISTRICT; PREREQUISITE. The district may be divided into two or more new districts only if the district has no outstanding bonded debt.

Sec. 3885.202. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 3885.203. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by an owner of real property in the district, may adopt an order proposing to divide the district.

(b) The board may not divide the district unless the division is approved by the governing body of the city by resolution. The resolution may set terms for the division under Subsection (c).

(c) If the board decides to divide the district, the board shall, subject to the city's resolution:

(1) set the terms of the division, including names for the new districts and a plan for the payment or performance of any outstanding district obligations;

(2) prepare a metes and bounds description for each proposed district; and

(3) appoint initial directors for each new district.

Sec. 3885.204. NOTICE AND RECORDING OF ORDER. Not later than the 30th day after the date of an order dividing the district, the district shall:

(1) file the order with the Texas Commission on Environmental Quality;
and

(2) record the order in the real property records of the county in which the district is located.

Sec. 3885.205. CONTRACT AUTHORITY OF NEW DISTRICTS. (a) Except as provided by Subsection (b), the new districts may contract with each other for any matter the boards of the new districts consider appropriate.

(b) The new districts may not contract with each other for water and wastewater services.

[Sections 3885.206-3885.250 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3885.251. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3885.252. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may undertake and provide an improvement project or service authorized by this chapter using any money available to the district.

Sec. 3885.253. BORROWING MONEY; OBLIGATIONS. (a) The district may borrow money for a district purpose without holding an election by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created under Chapter 311 or 312, Tax Code, other district revenue, or a combination of these sources.

(b) An obligation described by Subsection (a):

(1) may bear interest at a rate determined by the board; and

(2) may include a term or condition as determined by the board.

Sec. 3885.254. DEVELOPMENT AGREEMENT. Before the district borrows money or issues an obligation under Section 3885.253, the city must provide written certification to the district that no party to the development agreement is in default as of the date the district is authorized to borrow the money or enter the obligation.

Sec. 3885.255. ASSESSMENTS. (a) Except as provided by Subsection (b), the district may impose an assessment on property in the district to pay for an obligation described by Section 3885.253 in the manner provided for:

(1) a district under Subchapters A, E, and F, Chapter 375, Local Government Code; or

(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

(b) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3885.256. NOTICE OF ASSESSMENTS. (a) The board shall annually file written notice with the secretary of the city that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

(b) The board shall annually record in the deed records of the county a current assessment roll approved by the governing body of the city.

(c) The assessment roll must clearly state that the assessments in the assessment roll are in addition to the ad valorem taxes imposed by other taxing units that tax real property in the district.

(d) The district shall generate and implement a program to provide notification to a prospective purchaser of property in the district of the assessments that have been approved and are imposed by the district.

Sec. 3885.257. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3885.258. NO IMPACT FEES. The district may not impose an impact fee.

Sec. 3885.259. NO AD VALOREM TAX. The district may not impose an ad valorem tax.

[Sections 3885.260-3885.300 reserved for expansion]

SUBCHAPTER F. DISSOLUTION

Sec. 3885.301. DISSOLUTION BY CITY. (a) The city may dissolve the district by ordinance.

(b) The city may not dissolve the district until:

(1) the district's outstanding debt or contractual obligations have been repaid or discharged; or

(2) the city agrees to succeed to the rights and obligations of the district.

Sec. 3885.302. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city succeeds to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations of the district.

Sec. 3885.303. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION ____ .02. The Mustang Ranch Municipal Management District No. 1 initially includes all the territory contained in the following area:

BEING a tract of land located in the COLEMAN WATSON SURVEY, ABSTRACT NO. 945, Collin County, Texas and being a part of a called 632.051 acre tract of land described in Deed to Twin Eagles, Ltd. recorded in County Clerk's Document Number 96-0013989, Deed Records, Collin County, Texas and being a part of a called 12.686 acre tract of land described in Deed to Robert S. Folsom, Trustee of the Twin Eagles Qualified Personal Residence Trust recorded in County Clerk's Document Number 95-0093145, Deed Records, Collin County, Texas and being a part of a called 50.00 acre tract of land described in Deed to Twin Eagles Ltd. recorded in Volume 4826, Page 2205, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found in the North line of Farm-To-Market Road 1461, a variable width right-of-way, at the Southwest corner of a called 19.93 acre tract of land described in Deed to Debra Folsom Jarma and Don M. Jarma recorded in Volume 3790, Page 267, Deed Records, Collin County, Texas, said point being the Southeast corner of said 50.00 acre tract;

THENCE South 89 degrees 41 minutes 18 seconds West, along the North line of said Farm-To-Market Road 1461, a distance of 750.84 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a 1/2 inch iron rod found bears South 76 degrees 31 minutes 14 seconds West, a distance of 2.08 feet;

THENCE South 89 degrees 16 minutes 18 seconds West, continuing long the North line of said Farm-To-Market Road 1461, a distance of 231.01 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the Southwest corner of Lot 30, Block C of TWELVE OAKS PHASE II, an Addition to Collin County, Texas according to the Plat thereof recorded in Cabinet P, Slide 486, Map Records, Collin County, Texas, from which a 1/2 inch iron rod with a yellow plastic cap stamped "EC&D RPLS 5439" bears South 06 degrees 27 minutes 24 seconds West, a distance of 0.32 feet;

THENCE North 00 degrees 54 minutes 55 seconds East, along the West line of said TWELVE OAKS PHASE II, a distance of 2,206.67 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in the South line of said 632.051 acre tract at the Northeast corner of Lot 18, Block C of said TWELVE OAKS PHASE II, from which a 1/2 inch iron rod with a yellow plastic cap stamped "ROOME" bears South 50 degrees 24 minutes 07 seconds West, a distance of 0.44 feet;

THENCE South 89 degrees 37 minutes 23 seconds West, along the North line of said TWELVE OAKS PHASE II, a distance of 2,146.50 feet to a 3/8 inch iron rod found at the Southwest corner of said 632.051 acre tract;

THENCE North 00 degrees 07 minutes 29 seconds East, along the West line of said 632.051 acre tract, a distance of 1,637.32 feet to a point for corner in the approximate centerline of Wilson Creek and in the East line of Lot 5, Block A of WILSON CREEK ESTATES, an Addition to Collin County, Texas according to the Plat thereof recorded in Cabinet J, Slide 605, Map Records, Collin County, Texas;

THENCE Northerly, along the East line of said WILSON CREEK ESTATES and the approximate centerline of said Wilson Creek, the following five (5) courses and distances; North 39 degrees 31 minutes 50 seconds East, a distance of 1.00 feet to a point for corner; North 14 degrees 09 minutes 54 seconds East, a distance of 67.24 feet to a point for corner; North 01 degrees 45 minutes 24 seconds West, a distance of 113.30 feet to a point for corner; North 08 degrees 43 minutes 39 seconds West, a distance of 137.99 feet to point for corner; North 02 degrees 14 minutes 13 seconds West, a distance of 113.37 feet to point at the Southeast corner of WILSON CREEK ESTATES 2, an Addition to Collin County, Texas according to the Plat thereof recorded in Cabinet K, Slide 192, Map Records, Collin County, Texas;

THENCE Northerly, along the East line of said WILSON CREEK ESTATES 2 and the approximate centerline of said Wilson Creek, the following eight (8) courses and distances; North 15 degrees 56 minutes 43 seconds East, a distance of 284.21 feet to point for corner; North 27 degrees 49 minutes 29 seconds East, a distance of 53.72 feet to a point for corner; North 13 degrees 03 minutes 17 seconds East, a distance of

109.39 feet to point for corner; North 10 degrees 02 minutes 27 seconds West, a distance of 235.76 feet to point for corner; North 04 degrees 58 minutes 53 seconds East, a distance of 56.26 feet to a point for corner; North 05 degrees 12 minutes 56 seconds West, a distance of 121.33 feet to point for corner; North 09 degrees 39 minutes 44 seconds West, a distance of 165.65 feet to point for corner; North 01 degrees 30 minutes 36 seconds East, a distance of 45.98 feet to a point for corner in the South line of a called 185.094 acre tract of land described as Tract One in Deed to J. Baxter Brinkman recorded in County Clerk's Document Number 92-0052450, Deed Records, Collin County, Texas, from which a 3/4 inch iron rod found bears South 89 degrees 38 minutes 46 seconds West; a distance of 39.22 feet;

THENCE North 89 degrees 38 minutes 46 seconds East, along the common line of said 185.094 acre tract and said 632.051 acre tract, a distance of 1,947.39 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 14 minutes 27 seconds West, along the common line of said 185.094 acre tract and said 632.051 acre tract, a distance of 1,721.69 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the Southwest corner of a called 5.384 acre tract of land described as Tract Two in Deed to J. Baxter Brinkman recorded in County Clerk's Document Number 92-0052450, Deed Records, Collin County, Texas, from which a 1/2 inch iron rod found bears South 85 degrees 18 minutes 16 seconds West, a distance of 1.01 feet;

THENCE Easterly, along the common line of said 5.384 acre tract and said 632.051 acre tract, the following six (6) courses and distances: North 89 degrees 48 minutes 09 seconds East, a distance of 2,167.88 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "COLLIS RPLS 1764" found for corner; North 89 degrees 49 minutes 55 seconds East, a distance of 465.82 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a 1/2 inch iron rod found bears South 35 degrees 46 minutes 01 seconds West, a distance of 0.39 feet; North 89 degrees 47 minutes 20 seconds East, a distance of 305.39 feet to a 1/2 inch iron rod found for corner; North 89 degrees 51 minutes 51 seconds East, a distance of 816.05 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; South 89 degrees 56 minutes 24 seconds East, a distance of 311.73 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; North 89 degrees 42 minutes 42 seconds East, a distance of 330.59 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the Northwest corner of a called 1.0000 acre tract of land described in Deed to Danville Water Supply Corporation recorded in Volume 1992, Page 738, Deed Records, Collin County, Texas;

THENCE South 00 degrees 15 minutes 01 seconds East, along the common line of said 1.0000 acre tract and said 632.051 acre tract, a distance of 146.88 feet to a 1/2 inch iron rod found for corner;

THENCE North 89 degrees 44 minutes 59 seconds East, continuing along the common line of said 1.0000 acre tract and said 632.051 acre tract a distance of 299.37 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner in the West line of Farm-To-Market Road 2478, a variable width right-of-way, from which a 1/2 inch iron rod found bears South 89 degrees 44 minutes 59 seconds East, a distance of 0.33 feet;

THENCE Southerly, along the West line of said Farm-To-Market Road 2478, the following eight (8) courses and distances: South 04 degrees 07 minutes 13 seconds East, a distance of 113.40 feet to a wood right-of-way marker found for corner; South 03 degrees 46 minutes 13 seconds East, a distance of 525.05 feet to a 1/2 inch iron rod found for corner; South 01 degrees 56 minutes 26 seconds West, a distance of 100.50 feet to a nail found in wood right-of-way marker for corner; South 03 degrees 46 minutes 13 seconds East, a distance of 200.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a wood right-of-way marker found bears North 78 degrees 39 minutes 45 seconds West, a distance of 0.95 feet; South 09 degrees 28 minutes 51 seconds East, a distance of 100.50 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; South 03 degrees 46 minutes 13 seconds East, a distance of 415.90 feet to a wood right-of-way marker found for corner at the beginning of a curve to the right having a central angle of 03 degrees 41 minutes 00 seconds, a radius of 5,679.58 feet and a chord bearing and distance of South 01 degrees 55 minutes 43 seconds East, 365.06 feet; Southerly, along said curve to the right, an arc distance of 365.12 feet to a wood right-of-way marker found for corner; South 00 degrees 05 minutes 13 seconds East, a distance of 2,278.15 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the Northeast corner of a called 1.000 acre tract of land described in Deed to Rhea's Mill Baptist Church recorded in Volume 1745, Page 773, Deed Records, Collin County, Texas, from which a 1/2 inch square pipe found bears South 89 degrees 48 minutes 02 seconds West, a distance of 1.07 feet;

THENCE South 89 degrees 48 minutes 02 seconds West, a distance of 291.81 feet to a 1/2 inch iron rod found at the Northwest corner of said Rhea's Mill Baptist Church tract;

THENCE South 00 degrees 20 minutes 34 seconds East, a distance of 150.52 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner in the North line of Lot 4 of ROLLING MEADOWS ESTATES, an Addition to Collin County, Texas according to the Plat thereof recorded in Cabinet P, Slide 486, Map Records, Collin County, Texas;

THENCE South 89 degrees 40 minutes 07 seconds West, along the common line of said ROLLING MEADOWS ESTATES and said 632.051 acre tract, passing at a distance of 1,509.89 feet a 1 inch iron rod found at the Northwest corner of said ROLLING MEADOWS ESTATES and the Northeast corner of a called 81.104 acre tract described in Deed to Debra F. Jarma and Don M. Jarma recorded in County Clerk's Document Number 95-0092267, Deed Records, Collin County, Texas and continuing along the common line of said 81.104 acre tract and said 632.051 acre tract, in all for a total distance of 2,209.89 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

THENCE South 00 degrees 52 minutes 41 seconds West, along the common line of said 81.104 acre tract and said 632.051 acre tract, a distance of 421.13 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

THENCE South 89 degrees 27 minutes 07 seconds West, continuing along the common line of said 81.104 acre tract and said 632,051 acre tract, a distance of 1,159.85 feet to a 1/2 inch iron square pipe found at the Northwest corner of said

81.104 acre tract and the Northeast corner of a called 11.252 acre tract of land described in Deed to Debra F. Jarma and Don M. Jarma recorded in Volume 4973, Page 3420, Deed Records, Collin County, Texas;

THENCE South 89 degrees 24 minutes 47 seconds West, along the common line of said 11.252 acre tract and said 632.051 acre tract, a distance of 281.99 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the Northwest corner of said 11.252 acre tract;

THENCE Southerly, along the West line of said 11.252 acre tract, the following six (6) courses and distances: South 00 degrees 55 minutes 08 seconds West, a distance of 420.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; South 14 degrees 29 minutes 02 seconds East, a distance of 241.26 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; South 00 degrees 55 minutes 08 seconds West, a distance of 320.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; South 12 degrees 45 minutes 08 seconds West, a distance of 449.55 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; South 19 degrees 10 minutes 32 seconds East, a distance of 436.57 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner; South 33 degrees 22 minutes 42 seconds East, a distance of 288.40 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner in the West line of said 19.93 acre tract;

THENCE South 01 degrees 56 minutes 48 seconds West, along the West line of said 19.93 acre tract, a distance of 139.88 feet to the POINT OF BEGINNING and containing 681.999 acres of land, more or less.

SECTION ____ .03. (a) The legal notice of the intention to introduce this article, setting forth the general substance of this article, has been published as provided by law, and the notice and a copy of this article have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and article to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this article with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article have been fulfilled and accomplished.

SECTION ____ .04. This article takes effect September 1, 2011.

ARTICLE ____ . CASE CREEK MUNICIPAL UTILITY DISTRICT NO. 1 OF
GRAYSON COUNTY

SECTION ____ .01. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8249 to read as follows:

CHAPTER 8249. CASE CREEK MUNICIPAL UTILITY DISTRICT NO. 1 OF
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8249.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Case Creek Municipal Utility District No. 1 of Grayson County.

Sec. 8249.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8249.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8249.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8249.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section ____ .02 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section ____ .02 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8249.006-8249.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8249.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8249.052, directors serve staggered four-year terms.

Sec. 8249.052. TEMPORARY DIRECTORS. (a) On or after September 1, 2011, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8249.003; or

(2) September 1, 2015.

(c) If permanent directors have not been elected under Section 8249.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8249.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8249.053-8249.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8249.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8249.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8249.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8249.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8249.105. COSTS OF ROAD PROJECT. The district shall bear the cost of maintaining, improving, operating, and repairing a road located in the district and authorized by Section 8249.103 in accordance with all applicable ordinances and rules of the political subdivision authorized to exercise jurisdiction over the road, regardless of whether the district conveys the road to this state, a county, or a municipality.

Sec. 8249.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8249.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

Sec. 8249.107. LIMITATION ON WATER SUPPLY AND WASTEWATER SERVICES; USE OF DISTRICT FACILITIES BY TWO WAY SPECIAL UTILITY DISTRICT. (a) The district may not act as a retail provider of water or wastewater services in the district except as provided by this section.

(b) Except as provided by Subsection (c), the district shall convey or otherwise assign the district's water supply facilities and wastewater facilities to Two Way Special Utility District.

(c) If Two Way Special Utility District refuses or is unable to provide water supply or wastewater service to customers located in the district, the district may retain the necessary facilities and provide water supply or wastewater service, as applicable, to those customers.

[Sections 8249.108-8249.150 reserved for expansion]

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 8249.151. DIVISION OF DISTRICT; PREREQUISITES. The district may be divided into two or more new districts only if the district:

- (1) has no outstanding bonded debt; and
- (2) is not imposing ad valorem taxes.

Sec. 8249.152. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 8249.153. LIMITATION ON AREA OF NEW DISTRICT. A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section _____.02 of the Act enacting this chapter.

Sec. 8249.154. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8249.003 to confirm the district's creation.

(c) An order dividing the district must:

- (1) name each new district;
- (2) include the metes and bounds description of the territory of each new

district;

(3) appoint temporary directors for each new district; and

(4) provide for the division of assets and liabilities between the new

districts.

(d) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

Sec. 8249.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a) A new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8249.003.

(b) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

Sec. 8249.156. TAX OR BOND ELECTION. Before a new district created by the division of the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes, the new district must hold an election as required by this chapter to obtain voter approval.

[Sections 8249.157-8249.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8249.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 8249.203.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8249.202. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8249.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8249.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8249.204-8249.250 reserved for expansion]

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

Sec. 8249.251. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8249.252. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8249.253. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION ____ .02. The Case Creek Municipal Utility District No. 1 of Grayson County initially includes all the territory contained in the following area:

TRACT 1

BEING A 734.245 ACRE TRACT OF LAND SITUATED IN THE PATSY KITCHENS SURVEY, ABSTRACT NO. 666, THE RACHEL HANNING SURVEY, ABSTRACT NO. 547, THE JAMES THOMAS SURVEY, ABSTRACT NO. 1235, THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 167 AND THE H.L. NOLAND SURVEY, ABSTRACT NO. 1550, GRAYSON COUNTY, TEXAS AND BEING ALL OF THE FOLLOWING TRACTS OF LAND, THAT TRACT OF LAND DESCRIBED IN DEED TO BLUE ISLAND PARTNERS, LTD., RECORDED IN VOLUME 4076, PAGE 824, THAT TRACT OF LAND DESCRIBED IN DEED TO THE NICID LIMITED PARTNERSHIP, RECORDED IN VOLUME 3734, PAGE 246 AND THAT TRACT OF LAND DESCRIBED IN DEED TO 202 BOREN ROAD PARTNERS, LLC, RECORDED IN VOLUME 4223, PAGE 252 OF THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS. SAID 734.245 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 60D NAIL FOUND FOR THE NORTHEAST CORNER OF SAID BLUE ISLAND TRACT, SAID NAIL BEING THE SOUTHEAST CORNER OF A TRACT AS DESCRIBED IN DEED TO JERRY TODD, FILED JUNE 27, 1977, AND RECORDED IN VOLUME 1392 PAGE 797 OF SAID DEED RECORDS, SAID NAIL ALSO BEING IN THE WEST LINE OF A TRACT AS DESCRIBED IN DEED TO JEFF JOHNSON AND WIFE CARYANN JOHNSON, FILED DECEMBER 05, 2002, AND RECORDED IN VOLUME 3363, PAGE 624 OF DEED RECORDS, GRAYSON COUNTY, TEXAS, SAID NAIL ALSO BEING AT THE INTERSECTION OF DAVIS ROAD AND MACOMB CEMETERY ROAD;

THENCE, SOUTH 00 DEGREES 41 MINUTES 37 SECONDS EAST, WITH THE EAST LINE OF SAID BLUE ISLAND TRACT, AND WITH THE WEST LINE OF SAID JOHNSON TRACT, AND ALONG SAID DAVIS ROAD, A DISTANCE OF 1738.20 FEET TO A 1/2 INCH STEEL SQUARE TUBING FOUND FOR AN ELL CORNER OF SAID BLUE ISLAND TRACT, AND THE SOUTHWEST CORNER OF SAID JOHNSON TRACT, AND AT A TURN IN SAID ROAD;

THENCE, NORTH 88 DEGREES 46 MINUTES 03 SECONDS EAST, WITH A NORTH LINE OF SAID BLUE ISLAND TRACT, AND WITH THE SOUTH LINE OF SAID JOHNSON TRACT, AND ALONG SAID DAVIS ROAD, A DISTANCE OF 620.31 FEET TO A 1/2 INCH STEEL REBAR FOUND FOR THE MOST EASTERLY NORTHEAST CORNER OF SAID BLUE ISLAND TRACT, SAID REBAR BEING ON THE SOUTH LINE OF SAID JOHNSON TRACT, SAID REBAR BEING THE NORTHWEST CORNER OF A TRACT AS DESCRIBED IN DEED TO THE NICID LIMITED PARTNERSHIP, FILED SEPTEMBER 22, 2004,

AND RECORDED IN VOLUME 3734, PAGE 246, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID REBAR ALSO BEING IN SAID ROAD;

THENCE, NORTH 89 DEGREES 31 MINUTES 32 SECONDS EAST, WITH THE NORTH LINE OF SAID NICID TRACT, AND IN DAVIS ROAD, A DISTANCE OF 2414.87 FEET TO A 1/2 INCH STEEL SQUARE TUBING FOUND, SAID TUBING BEING THE NORTHEAST CORNER OF SAID NICID TRACT, AND THE NORTHWEST CORNER OF A TRACT AS DESCRIBED IN DEED TO DIAMOND H RANCH, LP, AND RECORDED IN VOLUME 4052, PAGE 184, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID TUBING ALSO BEING IN DAVIS ROAD;

THENCE, SOUTH 00 DEGREES 26 MINUTES 08 SECONDS EAST, WITH THE EAST LINE OF SAID NICID TRACT, AND THE WEST LINE OF SAID DIAMOND H TRACT, AND PASSING AT 20.34 FEET A PIPE FENCE CORNER POST ON THE SOUTH SIDE OF SAID DAVIS ROAD, AND CONTINUING ON SAID COURSE FOR A TOTAL DISTANCE OF 2645.90 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR AN ELL CORNER OF SAID NICID AND DIAMOND H TRACTS;

THENCE, SOUTH 89 DEGREES 24 MINUTES 16 SECONDS WEST, WITH THE SOUTH LINE OF SAID NICID TRACT, A DISTANCE OF 989.63 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR AN ELL CORNER OF SAID NICID AND DIAMOND H TRACT;

THENCE, SOUTH 00 DEGREES 31 MINUTES 07 SECONDS EAST, A DISTANCE OF 614.83 FEET TO A 1/2 INCH STEEL REBAR FOUND FOR A SOUTHEAST CORNER OF SAID NICID AND AN ELL CORNER OF SAID DIAMOND H TRACT;

THENCE, SOUTH 89 DEGREES 38 MINUTES 58 SECONDS WEST, WITH THE APPARENT SOUTH LINE OF SAID NICID TRACT, A DISTANCE OF 2189.66 FEET TO A POINT CORNER;

THENCE, SOUTH 00 DEGRESS 58 MINUTES 28 SECONDS WEST, PASSING AT A DISTANCE OF 14.49 FEET A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 202 BOREN ROAD PARTNERS TRACT AND THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DEWEY MCGILL, JR., RECORDED IN VOLUME 2426, PAGE 836, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, AND CONTINUING WITH THE EAST LINE OF SAID 202 BOREN ROAD PARTNERS TRACT, THE WEST LINE OF SAID MCGILL TRACT, CROSSING THE SOUTH LINE OF SAID NOLAND SURVEY AND THE NORTH LINE OF SAID B.B.B. & C.R.R. SURVEY, AND CONTINUING FOR A TOTAL DISTANCE OF 2317.78 FEET TO A 1/2 INCH IRON ROD FOUND ON THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO DIANE S. MORGAN, RECORDED IN VOLUME 3368, PAGE 355, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 88 DEGRESS 25 MINUTES 06 SECONDS WEST, WITH THE NORTH LINES OF SAID DIANE MORGAN TRACT, THE NORTH LINE OF A 20.000 ACRE TRACT OF LAND CONVEYED TO GLEN D. MORGAN BY DEED DATED APRIL 11, 2000, RECORDED IN VOLUME 2914, PAGE 61, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS AND THE SOUTH LINE OF SAID 202 BOREN ROAD PARTNERS TRACT, FOR A DISTANCE OF 1627.84 FEET TO A 60D NAIL FOUND AT THE SOUTHWEST CORNER OF BOTH SAID B.B.B. & C.R.R. SURVEY AND THE SOUTHEAST CORNER OF SAID THOMAS SURVEY, FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID 202 BOREN ROAD PARTNERS TRACT AND THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO TOM W. PINGLETON, DATED AUGUST 15, 2006, RECORDED IN VOLUME 4105, PAGE 811, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS,

THENCE, NORTH 01 DEGREES 40 MINUTES 41 SECONDS EAST, WITH THE WEST LINES OF BOTH SAID B.B.B. & C.R.R. SURVEY, AND SAID 202 BOREN ROAD PARTNERS TRACT AND THE EAST LINES OF THE FOLLOWING, SAID THOMAS SURVEY, TRACT 1 DESCRIBED IN DEED TO JAMES DOUGLAS SCHULTZ, RECORDED IN VOLUME 1646, PAGE 617 DEED RECORDS, GRAYSON COUNTY, TEXAS, SAID PINGLETON TRACT, THAT TRACT OF LAND DESCRIBED IN DEED TO GINGER BLALOCK, DATED AUGUST 28, 1998, RECORDED IN VOLUME 2695, PAGE 380, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, THAT TRACT OF LAND DESCRIBED IN DEED TO JAMES C. BLAKE, ET UX, DATED OCTOBER 9, 1998, RECORDED IN VOIUME 2709, PAGE 366, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, THAT TRACT OF LAND DESCRIBED IN DEED TO MICHAEL W. WALKER, AND MONIQUE R. WALKER, DATED DECEMBER 22, 2004, RECORDED IN VOLUME 3790, PAGE 348, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS AND THAT TRACT OF LAND DESCRIBED IN DEED TO NANCY SUSAN PARKER, DATED DECEMBER 1, 1993, RECORDED IN VOLUME 2306, PAGE 433, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS FOR A DISTANCE OF 2132.79 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID PARKER TRACT AT AN ELL CORNER OF SAID 202 BOREN ROAD PARTNERS TRACT;

THENCE, NORTH 86 DEGRESS 41 MINUTES 55 SECONDS WEST, WITH THE NORTH LINE OF SAID PARKER TRACT, AND A SOUTH LINE OF SAID 202 BOREN ROAD PARTNERS TRACT, A DISTANCE OF 1332.93 FEET TO A PK NAIL FOUND FOR THE NORTHWEST CORNER OF SAID PARKER TRACT IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO MYRNA RHEUDASIL, INDIVIDUALLY BY DEED DATED APRIL 21, 1992, RECORDED IN VOLUME 2208, PAGE 492, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS IN THE CENTER OF A PUBLIC ROAD KNOWN AS BOREN ROAD;

THENCE NORTH 01 DEGREES, 59 MINUTES 16 SECONDS EAST, WITH THE CENTER OF SAID BOREN ROAD, THE WEST LINE OF SAID 202 BOREN ROAD PARTNERS TRACT, THE EAST LINE OF SAID RHEUDASIL TRACT

FOR A DISTANCE OF 411.44 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID RHEUDASIL TRACT, ON THE NORTH LINE OF SAID THOMAS SURVEY, THE SOUTH LINE OF BOTH SAID RACHEL HANNING SURVEY, AND SAID 202 BOREN ROAD PARTNERS TRACT; THENCE, NORTH 88 DEGRESS 28 MINUTES 34 SECONDS WEST, WITH THE NORTH LINE OF BOTH SAID THOMAS SURVEY, AND SAID RHEUDASIL TRACT, THE SOUTH LINE OF BOTH SAID RACHEL HANNING SURVEY, AND SAID 202 BOREN ROAD PARTNERS TRACT, CONTINUING ALONG SAID BOREN ROAD, FOR A DISTANCE OF 1333.90 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET AT THE SOUTHWEST CORNER OF BOTH SAID RACHEL HANNING SURVEY, AND SAID 202 BOREN ROAD PARTNERS TRACT, THE SOUTHEAST CORNER OF THE JAMES M. THOMAS SURVEY, ABSTRACT NO. 1212, THE MOST SOUTHERLY SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO CALVIN BLEDSOE, RECORDED IN VOLUME 2546, PAGE 224, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 01 DEGRESS 36 MINUTES 58 SECONDS EAST, WITH THE WEST LINE OF BOTH SAID RACHEL HANNING SURVEY, AND SAID 202 BOREN ROAD PARTNERS TRACT, THE EAST LINE OF SAID JAMES THOMAS SURVEY, ABST. NO. 1212, AND SAID BLEDSOE TRACT, FOR A DISTANCE OF 1595.82 FEET TO A 1/2 INCH IRON ROD CAPPED "COX 4577" FOUND AT THE NORTHWEST CORNER OF SAID 202 BOREN ROAD PARTNERS TRACT, THE MOST WESTERLY SOUTHWEST CORNER OF A 300.43 ACRE TRACT OF LAND DESCRIBED IN DEED TO BLUE ISLAND PARTNERS, LTD. BY DEED DATED JUNE 28, 2006, RECORDED IN VOLUME 4076, PAGE 824, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS; THENCE, NORTH 01 DEGREES 26 MINUTES 55 SECONDS EAST, WITH THE WEST LINE OF SAID BLUE ISLAND TRACT, AND WITH THE EAST LINE OF SAID BLEDSOE TRACT, A DISTANCE OF 1631.30 FEET TO A 1/2 INCH IRON ROD CAPPED "COX 4577" FOUND FOR THE WESTERN MOST NORTHWEST CORNER OF BLUE ISLAND TRACT, AND THE NORTHEAST CORNER OF SAID BLEDSOE TRACT;

THENCE, NORTH 89 DEGREES 27 MINUTES 39 SECONDS EAST, WITH A NORTH LINE OF SAID BLUE ISLAND TRACT, A DISTANCE OF 1676.04 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR AN ELL CORNER OF SAID BLUE ISLAND TRACT, AND THE SOUTHEAST CORNER OF A TRACT AS DESCRIBED IN DEED TO NANCY SUSAN PARKER, FILED SEPTEMBER 15, 1993, AND RECORDED IN VOLUME 2306 PAGE 433, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 18 MINUTES 02 SECONDS WEST, WITH THE WEST LINE OF SAID BLUE ISLAND TRACT, AND WITH THE EAST LINE OF SAID PARKER TRACT, A DISTANCE OF 1411.57 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE NORTHWEST CORNER OF SAID BLUE ISLAND TRACT, SAID

IRON ROD BEING THE NORTHEAST CORNER OF SAID PARKER TRACT, SAID IRON ROD ALSO BEING ON THE SOUTH LINE OF SAID BLEDSOE TRACT, SAID IRON ROD BEING IN SAID MACOMB CEMETERY ROAD; THENCE, SOUTH 88 DEGREES 57 MINUTES 45 SECONDS EAST, WITH THE NORTH LINE OF SAID BLUE ISLAND TRACT, ALONG SAID ROAD, PASSING THE SOUTHEAST CORNER OF SAID BLEDSOE TRACT, AND THE SOUTHWEST CORNER OF SAID TODD TRACT, AND CONTINUING ALONG SAID COURSE, A DISTANCE OF 2597.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 734.245 ACRES OF LAND, MORE OR LESS.

TRACT 2

BEING A 558.197 ACRE TRACT OF LAND SITUATED IN THE BURK TRAMMEL SURVEY, ABSTRACT NUMBER 1229, GRAYSON COUNTY, TEXAS, SAID 558.132 ACRE TRACT BEING COMPRISED BY THE TOTAL OF 6 TRACTS OF LAND RECORDED IN THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO W.P. PELPHREY AND C.F. PELPHREY AS RECORDED IN VOLUME 205, PAGE 591, DEED RECORDS, GRAYSON COUNTY, TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO W.P. PELPHREY AS RECORDED IN VOLUME 234, PAGE 113, DEED RECORDS, GRAYSON COUNTY, TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO A.T. PELPHREY AS RECORDED IN VOLUME 129, PAGE 171, DEED RECORDS, GRAYSON COUNTY, TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO JACK M. DECORDOVA AND WIFE FRANCES M. DECORDOVA AS RECORDED IN VOLUME 1280, PAGE 29, DEED RECORDS, GRAYSON COUNTY, TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO C.F. PELPHREY AS RECORDED IN VOLUME 550, PAGE 399, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND A TRACT OF LAND DESCRIBED IN A DEED TO W.P. PELPHREY AS RECORDED IN VOLUME 234, PAGE 113, DEED RECORDS, GRAYSON COUNTY, TEXAS, SAID 558.197 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A P.K. NAIL SET FOR THE NORTHWEST CORNER OF SAID W.P. PELPHREY AND C.F. PELPHREY TRACT, SAME POINT BEING IN THE APPROXIMATE INTERSECTION OF SOUTHMAYD ROAD (AN APPARENT PERSCRIPTIVE RIGHT OF WAY) WITH MCGEEHE ROAD (AN APPARENT PERSCRIPTIVE RIGHT OF WAY);

THENCE, SOUTH 88 DEGREES 22 MINUTES 04 SECONDS EAST, IN SAID SOUTHMAYD ROAD, A DISTANCE OF 2563.72 FEET TO A P.K. NAIL FOUND FOR THE NORTHWEST CORNER OF THE AFOREMENTIONED W.P. PELPHREY TRACT DESCRIBED IN VOLUME 234 AT PAGE 113, DEED RECORDS, GRAYSON COUNTY, TEXAS FOR AN ANGLE POINT;

THENCE, SOUTH 88 DEGREES 29 MINUTES 07 SECONDS EAST, CONTINUING IN SAID ROAD, FOR A DISTANCE OF 1926.86 FEET TO A P.K. NAIL SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO GLEN D. MORGAN AS RECORDED IN VOLUME 2752, PAGE 321, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS

THENCE, SOUTH 00 DEGREES 58 MINUTES 51 SECONDS WEST, WITH THE WEST LINE OF SAID MORGAN TRACT AND ALONG A FENCE LINE AT A DISTANCE 3314.73 PASSING A 1/2" IRON ROD FOR THE SOUTHWEST CORNER OF SAID MORGAN TRACT, THE SAME BEING THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO LOY RODERICK MAYFIELD AS RECORDED IN VOLUME 2889, PAGE 672 OF THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS AND WITH THE WEST LINE OF SAID MAYFIELD TRACT FOR A TOTAL DISTANCE 5469.03 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER THE SAME BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED JACK M. DECORDOVA TRACT;

THENCE, NORTH 88 DEGREES 58 MINUTES 51 SECONDS WEST, WITH THE SOUTH LINE OF SAID JACK M. DECORDOVA TRACT, IN BATES ROAD (AN APPARENT PERSCRIPTIVE RIGHT OF WAY) FOR A DISTANCE OF 2596.11 FEET TO A 1/2" CAPPED IRON ROD FOUND STAMPED "SARTIN" FOR CORNER IN THE EAST LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO CHALLENGE MOTOR SPORTS AS RECORDED IN VOLUME 4224, PAGE 225, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 40 MINUTES 14 SECONDS WEST, AT TIMES WITHIN SAID BATES ROAD, A DISTANCE OF 248.68 FEET A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED C.F. PELPHREY TRACT;

THENCE, NORTH 88 DEGREES 23 MINUTES 47 SECONDS WEST, WITH THE SOUTH LINE OF SAID C.F. PHELPHREY TRACT AND GENERALLY ALONG SAID BATES ROAD A DISTANCE OF 1944.93 FEET TO A P.K. NAIL SET FOR CORNER AT THE INTERSECTION OF SAID BATES ROAD WITH RICE ROAD (AN APPARENT PERSCRIPTIVE RIGHT OF WAY) THE SAME BEING THE SOUTHWEST CORNER OF SAID C.F. PELPHREY TRACT;

THENCE NORTH 01 DEGREES 36 MINUTES 42 SECONDS EAST, WITH THE WEST LINE OF SAID PELPHREY TRACTS, AND GENERALLY ALONG SAID RICE AND SOUTHMAYD ROADS, A DISTANCE OF 5245.00 FEET TO THE POINT OF BEGINNING, CONTAINING 558.197 ACRES OR OF LAND MORE OR LESS.

TRACT 3

BEING A 185.677 ACRE TRACT OF LAND SITUATED IN THE SAMUEL GILMAN SURVEY, ABSTRACT NO. 456, GRAYSON COUNTY, TEXAS, AND BEING ALL OF A 185.677 ACRE TRACT OF LAND, CONVEYED TO WALTON TEXAS, L.P. BY DEED RECORDED IN VOLUME 4782, PAGE 760, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID 185.677 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID 185.677 ACRE TRACT, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF F.M. HIGHWAY NO. 902 (A 100' RIGHT OF WAY);

THENCE, NORTH 00 DEGREES 36 MINUTES 33 SECONDS WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 996.90 FEET TO A 60D NAIL FOUND FOR CORNER NEAR THE CENTER LINE OF A PUBLIC ROAD;

THENCE, NORTH 88 DEGREES 59 MINUTES 45 SECONDS EAST, WITH THE GENERAL DIRECTION OF SAID CENTERLINE OF SAID PUBLIC ROAD, A DISTANCE OF 839.41 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 5433" FOUND FOR AN ELL CORNER OF SAID 185.677 ACRE TRACT, SAID POINT BEING ON THE WEST LINE OF A 51.465 ACRE TRACT OF LAND CONVEYED BY DEED TO CHALLENGE MOTOR SPORTS, L.P., RECORDED IN VOLUME 4224, PAGE 225, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, SOUTH 01 DEGREES 09 MINUTES 35 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 18.26 FEET TO A 1/2" IRON ROD FOUND FOR AN ELL CORNER OF SAID 185.677 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID 51.465 ACRE TRACT;

THENCE, NORTH 87 DEGREES 42 MINUTES 40 SECONDS EAST, ALONG THE NORTH LINE OF SAID 185.677 ACRE TRACT AND THE SOUTH LINE OF SAID 51.465 ACRE TRACT, A DISTANCE OF 1953.64 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE, NORTH 88 DEGREES 42 MINUTES 58 SECONDS EAST, CONTINUING ALONG SAID NORTH LINE OF 185.677 ACRE TRACT, A DISTANCE OF 664.80 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 5433" FOUND FOR THE NORTHEAST CORNER OF SAID 185.677 ACRE TRACT, SAID POINT BEING THE ELL CORNER OF A 10.001 ACRE TRACT CONVEYED TO JESSE WHITTINGTON, RECORDED IN VOLUME 4272, PAGE 659, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, ALONG THE EAST LINE OF SAID 185.677 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES

SOUTH 00 DEGREES 27 MINUTES 48 SECONDS EAST, ALONG THE WEST LINE OF SAID 10.001 ACRE TRACT, A DISTANCE OF 413.59 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 5433" FOUND FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF SAID 10.001 ACRE TRACT AND THE NORTHWEST CORNER OF A 136.85 ACRE TRACT OF LAND CONVEYED BY DEED TO SUTTER INVESTMENTS, L.P., RECORDED IN VOLUME 4224, PAGE 231, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

SOUTH 00 DEGREES 46 MINUTES 35 SECONDS EAST, ALONG THE WEST LINE OF SAID 136.85 ACRE TRACT, A DISTANCE OF 2334.85 FEET TO A 1" IRON PIPE FOUND FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF SAID 136.85 ACRE TRACT AND THE NORTHWEST CORNER OF 15.00 ACRE TRACT OF LAND CONVEYED BY DEED TO BILLY LYNN, RECORDED IN VOLUME 1462, PAGE 390, DEED RECORDS, GRAYSON COUNTY, TEXAS;

SOUTH 00 DEGREES 04 MINUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID 15.00 ACRE TRACT, A DISTANCE OF 510.69 FEET TO A 1/2" SQUARE IRON ROD FOUND FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF SAID 15.00 ACRE TRACT AND THE NORTHWEST CORNER OF A 16.866 ACRE TRACT OF LAND CONVEYED BY DEED TO JAMES D. HOOVER, RECORDED IN VOLUME 3245, PAGE 578, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID POINT ALSO LYING NEAR THE CENTER OF A PUBLIC ROAD KNOWN AS COBLER ROAD;

SOUTH 00 DEGREES 23 MINUTES 38 SECONDS EAST, ALONG THE WEST LINE OF SAID 16.866 ACRE TRACT AND WITH THE GENERAL DIRECTION OF THE CENTERLINE OF COBLER ROAD, A DISTANCE OF 407.48 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 5433" FOUND FOR THE SOUTHWEST CORNER OF SAID 185.677 ACRE TRACT, SAID POINT BEING AT THE INTERSECTION OF SAID COBLER ROAD AND A PUBLIC ROAD KNOWN AS MINNIS ROAD;

THENCE, SOUTH 89 DEGREES 02 MINUTES 11 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 185.677 ACRE TRACT AND WITH THE GENERAL DIRECTION OF SAID COBLER ROAD, A DISTANCE OF 1748.05 FEET TO A 1/2" IRON ROD FOUND FOR CORNER; THE SOUTHWEST CORNER OF SAID 185.677 ACRE TRACT AND THE SOUTHEAST CORNER OF A 33.04 ACRE TRACT OF LAND CONVEYED BY DEED TO THOMAS W. BYROM, SR., RECORDED IN 3117, PAGE 40, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 49 MINUTES 46 SECONDS WEST, ALONG THE COMMON WEST LINE OF SAID 185.677 ACRE TRACT AND THE EAST LINE OF SAID 33.04 ACRE TRACT, A DISTANCE OF 2562.49 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 33.04 ACRE TRACT AND THE SOUTHEAST CORNER OF A 12.352 ACRE TRACT OF

LAND CONVEYED BY DEED TO THE MILDRED L. BROWN REVOCABLE TRUST, RECORDED IN VOLUME 3194, PAGE 344, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 01 DEGREES 43 MINUTES 38 SECONDS WEST, CONTINUING ALONG THE WEST LINE OF SAID 185.677 ACRE TRACT AND THE COMMON EAST LINE OF SAID 12.352 ACRE TRACT, A DISTANCE OF 103.58 FEET TO A 1/2" IRON ROD FOUND FOR AND INTERIOR ELL CORNER OF SAID 185.677 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 12.352 ACRE TRACT;

THENCE, SOUTH 88 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE COMMON SOUTH LINE OF SAID 185.677 ACRE TRACT AND THE NORTH LINE OF SAID 12.352 ACRE TRACT, A DISTANCE OF 1695.09 FEET; TO THE POINT OF BEGINNING AND CONTAINING 185.677 ACRES LAND, MORE OR LESS.

TRACT 4

BEING A 207.484 ACRE TRACT OF LAND SITUATED IN THE SAMUEL GILMAN SURVEY, ABSTRACT NO. 456 AND THE S. PRATHER SURVEY, ABSTRACT NO. 934, GRAYSON COUNTY, TEXAS, AND BEING ALL OF A 207.51 ACRE TRACT OF LAND, CONVEYED AS TRACT 1 TO WALTON TEXAS, L.P., BY DEED RECORDED IN VOLUME 4861, PAGE 258, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID 207.484 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 207.484 ACRE TRACT, SAID POINT BEING THE NORTHEAST CORNER OF A 130.028 ACRE TRACT OF LAND CONVEYED BY DEED TO LITTLE CREEK INVESTMENTS, L.P., RECORDED IN VOLUME 3751, PAGE 802, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID POINT BEING ON THE WEST LINE OF F.M. HIGHWAY NO. 902 (A 100 FOOT RIGHT-OF-WAY) AND IN A PUBLIC ROAD KNOWN AS SPRING CREEK ROAD;

THENCE, SOUTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, ALONG THE COMMON SOUTH LINE OF SAID 207.484 ACRE TRACT AND THE NORTH LINE OF SAID 130.028 ACRE TRACT, A DISTANCE OF 1751.93 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 3688" FOUND FOR THE SOUTHWEST CORNER OF SAID 207.484 ACRE TRACT AND THE SOUTHEAST CORNER OF A 20.992 ACRE TRACT OF LAND CONVEYED BY DEED TO JOHN DANIEL BROWN JR. AND TWALLA Y. BROWN RECORDED IN VOLUME 4292, PAGE 423, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 57 MINUTES 18 SECONDS EAST, ALONG THE COMMON WEST LINE OF SAID 207.484 ACRE TRACT AND THE EAST LINE OF SAID 20.992 ACRE TRACT, A DISTANCE OF 880.65 FEET TO A 1/2" IRON ROD WITH FOUND FOR AN INTERIOR ELL CORNER OF SAID 207.484 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 20.992 ACRE TRACT;

THENCE, SOUTH 88 DEGREES 18 MINUTES 15 SECONDS WEST, ALONG THE COMMON SOUTH LINE OF SAID 207.484 ACRE TRACT AND THE NORTH LINE OF SAID 20.992 ACRE TRACT AND THE NORTH LINES OF A 9.000 ACRE TRACT OF LAND CONVEYED BY DEED TO JONATHAN L. HACKETT, RECORDED IN VOLUME 3909, PAGE 579, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS; A 5.334 ACRE TRACT OF LAND CONVEYED BY DEED TO TIMOTHY A GARBACIK AND DEBBIE J. GARBACIK RECORDED IN VOLUME 3570, PAGE 885, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS; AND A 13.000 ACRE TRACT OF LAND CONVEYED BY DEED TO DOYLE ALAN COULTER, RECORDED IN VOLUME 3356, PAGE 501, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS; A DISTANCE OF 2631.70 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 207.484 ACRE TRACT AND THE NORTHWEST CORNER OF SAID 13.000 ACRE TRACT AND BEING ON THE EAST LINE OF A TRACT OF LAND CONVEYED BY WILL TO NANCY L. LINDSAY, RECORDED IN VOLUME 4039, PAGE 877, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, NORTH 01 DEGREES 06 MINUTES 22 SECONDS EAST, ALONG THE COMMON WEST LINE OF SAID 207.484 ACRE TRACT AND THE EAST LINE OF SAID LINDSAY TRACT, A DISTANCE OF 518.13 FEET TO A 60D NAIL FOUND IN FENCE POST FOR A NORTHWEST CORNER OF SAID 207.484 ACRE TRACT AND BEING THE SOUTHWEST CORNER OF A 78.974 ACRE TRACT OF LAND CONVEYED BY DEED TO TOW W. PINGLETON RECORDED IN VOLUME 4042, PAGE 73, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

THENCE, SOUTH 89 DEGREES 59 MINUTES 22 SECONDS EAST, ALONG THE COMMON NORTH LINE OF SAID 78.974 ACRE TRACT, A DISTANCE OF 409.90 FEET TO A 1/2" IRON ROD FOUND FOR AND INTERIOR ELL CORNER OF SAID 207.484 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 78.974 ACRE TRACT;

THENCE, NORTH 01 DEGREES 11 MINUTES 10 SECONDS EAST, ALONG THE COMMON WEST LINE OF SAID 207.484 TRACT AND THE EAST LINE OF SAID 78.974 ACRE TRACT, A DISTANCE OF 1352.83 FEET TO A 1/2" IRON ROD WITH PLASTIC CAP STAMPED "COX4577" FOUND FOR THE NORTHWEST CORNER OF SAID 207.484 ACRE TRACT;

THENCE, NORTH 88 DEGREES 22 MINUTES 08 SECONDS EAST, ALONG THE NORTH LINE OF SAID 207.484 ACRE TRACT, A DISTANCE OF 3816.13 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "PEISER SUR" FOUND FOR THE NORTHEAST CORNER OF SAID 207.484 ACRE TRACT, SAID POINT BEING ON THE AFORESAID WEST LINE OF F.M. HIGHWAY 902

AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16 DEGREES 45 MINUTES 31 SECONDS, A RADIUS OF 1860.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 08 DEGREES 38 MINUTES 43 SECONDS EAST, A DISTANCE OF 542.10 FEET; THENCE, ALONG SAID NON-TANGENT CURVE TO THE RIGHT AND THE COMMON EAST LINE OF SAID 207.484 ACRE TRACT AND SAID WEST LINE OF F.M. HIGHWAY 902, AN ARC DISTANCE OF 544.04 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "PEISER SUR" FOUND FOR CORNER; THENCE, SOUTH 00 DEGREES 36 MINUTES 33 SECONDS EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 2239.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 207.484 ACRES LAND, MORE OR LESS.

SECTION _____.03. (a) The legal notice of the intention to introduce this article, setting forth the general substance of this article, has been published as provided by law, and the notice and a copy of this article have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and article to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this article with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article are fulfilled and accomplished.

SECTION _____.04. (a) Section 8249.106, Special District Local Laws Code, as added by Section _____.01 of this article, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8249, Special District Local Laws Code, as added by Section _____.01 of this article, is amended by adding Section 8249.106 to read as follows:

Sec. 8249.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION _____.05. Except as provided by Section _____.04 of this article, this article takes effect September 1, 2011.

The amendment to **HB 534** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 534 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 534 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 534** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1837 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1837** at this time on its second reading:

SB 1837, Relating to exemptions to persons required to hold a limited property and casualty license.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1837 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1837** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 91 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 91** at this time on its second reading:

HB 91, Relating to the extent of extraterritorial jurisdiction for certain municipalities.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 91 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 91** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1137 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1137** at this time on its second reading:

HB 1137, Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1137 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1137** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 2160 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 2160** at this time on its second reading:

CSHB 2160, Relating to the governing bodies of certain local planning organizations.

The motion prevailed.

Senators Nelson and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Hegar, Nelson, Nichols.

COMMITTEE SUBSTITUTE HOUSE BILL 2160 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2160** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nelson, Nichols.

COMMITTEE SUBSTITUTE HOUSE BILL 397 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSHB 397** at this time on its second reading:

CSHB 397, Relating to the creation of the Bureau for Economic Development of the Border Region.

The motion prevailed.

Senators Birdwell, Nelson, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Hegar, Nelson, Patrick, Shapiro.

COMMITTEE SUBSTITUTE HOUSE BILL 397 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 397** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nelson, Patrick, Shapiro.

The bill was read third time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSHB 397** (senate committee printing) on third reading in SECTION 2 of the bill (page 3, lines 35, 38, and 41), by striking "2014" each place it appears and substituting "2012".

The amendment to **CSHB 397** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 397 as amended was finally passed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Hegar, Nelson, Patrick, Shapiro.

(President Pro Tempore Ogden in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3616 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3616** at this time on its second reading:

CSHB 3616, Relating to designating October as Persons with Disabilities History and Awareness Month.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3616 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3616** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2971 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2971** at this time on its second reading:

HB 2971, Relating to the confidentiality of documents evaluating the performance of public school teachers and administrators.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2971** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 21.355, Education Code (page 1, line 13), between "CONFIDENTIALITY." and "A document", insert "(a)".

(2) In SECTION 1 of the bill, in amended Section 21.355, Education Code (page 1, lines 14 and 15), strike ", including a teacher or administrator employed by and open-enrollment charter school,".

(3) In SECTION 1 of the bill, in amended Section 21.355, Education Code (page 1, between lines 16 and 17), add Subsections (b) and (c) to read as follows:

(b) Subsection (a) applies to a teacher or administrator employed by an open-enrollment charter school regardless of whether the teacher or administrator is certified under Subchapter B.

(c) At the request of a school district or open-enrollment charter school at which a teacher or administrator has applied for employment, an open-enrollment charter school may give the requesting district or school a document evaluating the performance of a teacher or administrator employed by the school.

The amendment to **HB 2971** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2971 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2971 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2971** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 442 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 442** at this time on its second reading:

HB 442, Relating to the establishment of an emergency radio infrastructure account.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 442 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 442** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2118 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2118** at this time on its second reading:

HB 2118, Relating to adding certain synthetic compounds to Penalty Group 2 of the Texas Controlled Substances Act.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2118 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2118** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

HOUSE BILL 592 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 592** at this time on its second reading:

CSHB 592, Relating to certain counties that are not required to operate a juvenile justice alternative education program.

The motion prevailed.

Senators Shapiro and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 592** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 37.011(a-2)(1), Education Code (page 1, line 18), strike "250,000" and substitute "180,000".

(2) In SECTION 1 of the bill, in added Section 37.011(a-2)(2), Education Code (page 1, lines 20 and 21), strike ", or is adjacent to two counties, each of which has a population of less than 150,000".

The amendment to **CSHB 592** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Birdwell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 592 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Shapiro, Watson.

**COMMITTEE SUBSTITUTE
HOUSE BILL 592 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 592** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Shapiro, Watson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1201 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1201** at this time on its second reading:

CSHB 1201, Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1201** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 25.06(c), Tax Code (page 1, line 33), between "91" and the bracket, insert "or 223".

(2) In SECTION 3 of the bill, in amended Section 25.07(c), Tax Code (page 1, line 47), between "91" and the bracket, insert "or 223".

The amendment to **CSHB 1201** was read and was adopted by a viva voce vote:

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1201 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1201 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1201** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1278 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1278** at this time on its second reading:

HB 1278, Relating to regulation by a property owners' association of certain religious displays.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1278**, in SECTION 1 of the bill, in added Section 202.018(a), Property Code (senate committee printing, page 1, lines 19 and 20), by striking "that are expected to be displayed by a tenet of the owner's or resident's religion" and substituting "the display of which is motivated by the owner's or resident's sincere religious belief".

The amendment to **HB 1278** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1278 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1278 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1278** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 499 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 499** at this time on its second reading:

HB 499, Relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 499 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 499** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 57

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, The Senate of the State of Texas has passed House Bill No. 2277 and returned it to the House of Representatives of the State of Texas; and

WHEREAS, Further consideration of the bill by the senate is necessary; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, That the senate hereby respectfully request that the Chief Clerk of the House of Representatives be authorized to return House Bill No. 2277 to the senate for further consideration.

WILLIAMS

The resolution was read.

On motion of Senator Williams and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

(President in Chair)

HOUSE BILL 150 ON THIRD READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 150** at this time on its third reading and final passage:

HB 150, Relating to the composition of the districts for the election of members of the Texas House of Representatives.

The motion prevailed.

Senator Gallegos asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Carona, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Williams.

Nays: Davis, Deuell, Ellis, Gallegos, Rodriguez, Whitmire, Zaffirini.

REASON FOR VOTE

Senator Davis submitted the following reason for vote on **HB 150**:

Although I respect the right of the House to draw its own plan, I must vote against the HB 150 plan because it is retrogressive and does not respect minority communities of interest, both statewide and in Tarrant County. In short, I believe the plan violates both Section 2 and Section 5 of the Voting Rights Act.

DAVIS

REASON FOR VOTE

Senator Gallegos submitted the following reason for vote on **HB 150**:

As a Senator from Harris County representing my constituents from Senate District 6, I am opposed to House Bill 150. It is neither a fair nor legal plan as it does not take into consideration the Voting Rights Act and it divides communities of interest.

HB 150 does not create a single new minority opportunity district, even though 89% of the state's population growth was driven by minorities. Given the 2010 census demographics, it is possible to create minority opportunity districts and preserve effective districts. Instead, this plan effectively denies representation for the fastest growing populations in Texas.

The minority population of Harris County is growing rapidly and the Anglo population of Harris County is now only 33%, yet this plan does not reflect this new growth. 14 out of 24 of the districts, or 58%, will be controlled by Anglo voters, denying representation for the people responsible for the population increase.

District 149, which is eliminated as a minority coalition opportunity district, currently has a 73.4% non-Anglo voting age population that has elected their candidate of choice in four consecutive Texas House elections. District 149 is relocated as a district that connects two rural counties via a narrow pathway that shreds the Williamson County communities of Round Rock, Hutto, and Cedar Park.

In the remaining District 137, where two incumbents Representative Hochberg (House District 137) and Representative Vo (House District 149) are paired, retrogression occurs in the Hispanic population. District 137 is currently 63.8% Hispanic and 59.1% Hispanic Voting Age Population, which is reduced by 4% to 59.8% Hispanic and 55.5% Hispanic Voting Age Population. Instead of two effective districts, this pairing creates only one majority-minority district where retrogression is a concern.

Another existing Hispanic opportunity district, HD 148, which is represented by Representative Farrar, retains only 38.3% of its current constituents because the district's core is shifted dramatically north and west. This dilutes minority representation.

I have strong concerns that the Voting Rights Act is being violated and ignored. My duty and obligation is to represent the constituents of my county and voice my reservations about HB 150.

GALLEGOS

**COMMITTEE SUBSTITUTE
HOUSE BILL 2135 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2135** at this time on its second reading:

CSHB 2135, Relating to the administration of end-of-course and other assessment instruments to certain public school students enrolled below the high school level.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2135 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2135** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 109 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHJR 109** at this time on its second reading:

CSHJR 109, Proposing a constitutional amendment to clarify references to the permanent school fund, to allow the General Land Office to distribute revenue derived from permanent school fund land or other properties to the available school fund, and to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

The resolution was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 109 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHJR 109** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2603 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSHB 2603** at this time on its second reading:

CSHB 2603, Relating to the distribution of universal service funds to certain small and rural local exchange companies.

The motion prevailed.

Senator Jackson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Jackson.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2603 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2603** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Jackson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 677 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 677** at this time on its second reading:

CSSB 677, Relating to the enforcement of the public information law; providing for the imposition of a civil penalty.

The motion was lost by the following vote: Yeas 18, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Davis, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Lucio, Rodriguez, Seliger, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Deuell, Fraser, Harris, Hegar, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro, Watson.

HOUSE BILL 2518 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2518** at this time on its second reading:

HB 2518, Relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of the Texas Forest Service.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2518 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1964 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1964** at this time on its second reading:

CSHB 1964, Relating to discharging fines and costs assessed against certain juvenile defendants through community service.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1964** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 45.057(b), Code of Criminal Procedure, is amended to read as follows:

(b) On a finding by a justice or municipal court that a child committed an offense that the court has jurisdiction of under Article 4.11 or 4.14, the court has jurisdiction to enter an order:

(1) referring the child or the child's parent for services under Section 264.302, Family Code;

(2) requiring that the child attend a special program that the court determines to be in the best interest of the child and, if the program involves the expenditure of municipal or county funds, that is approved by the governing body of the municipality or county commissioners court, as applicable, including a rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy, or mentoring program; or

(3) requiring that the child's parent do any act or refrain from doing any act that the court determines will increase the likelihood that the child will comply with the orders of the court and that is reasonable and necessary for the welfare of the child, including:

- (A) attend a parenting class or parental responsibility program; and
- (B) attend the child's school classes or functions.

The amendment to **CSHB 1964** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1964 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1964 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1964** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Saturday, May 21, 2011 - 1

(Revised Message)

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 31 Seliger Sponsor: Solomons
Relating to the composition of the districts for the election of members of the Texas Senate.

SB 1811 Duncan Sponsor: Pitts
Relating to certain state fiscal matters; providing penalties.
(Committee Substitute/Amended)

SCR 57 Williams
Recalling H.B. No. 2277 from the house for further consideration.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 201 (non-record vote)
House Conferees: Callegari - Chair/Berman/Farias/Miller, Sid/Pickett

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 2277, Pursuant to adoption of SCR 57, the House returns HB 2277 to the Senate for further consideration.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 338 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 338** at this time on its second reading:

HB 338, Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.

The motion prevailed.

Senator Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 338** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in Section 71.154, Agriculture Code, page 1, line 39, between "published" and "distributed, strike "or" and replace with "and".

The amendment to **HB 338** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 338 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Watson.

HOUSE BILL 338 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 338** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Watson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Eltife in Chair)

HOUSE BILL 364 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **HB 364** at this time on its second reading:

HB 364, Relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

The motion prevailed.

Senators Birdwell, Harris, Nelson, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 364** (senate committee printing), in SECTION 5 of the bill, by striking proposed Section 214.303(2), Property Code (page 2, lines 44-48) and substituting the following:

(2) the property:

(A) contains uninhabitable, unsafe, and unsanitary units that are not fit for their intended use because the utilities, sewerage, plumbing, or heating or a similar service or facility of the units has been destroyed, removed, or rendered ineffective; or

(B) contained units described by Paragraph (A) that were demolished in accordance with a court order issued under Section 54.018, Local Government Code; and

The amendment to **HB 364** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 364 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Harris, Nelson, Patrick, Shapiro.

HOUSE BILL 364 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 364** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Nelson, Patrick, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2017 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2017** at this time on its second reading:

CSHB 2017, Relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.

The bill was read second time.

Senator Williams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **CSHB 2017** (senate committee report) as follows:

(1) On page 7, line 47 to line 60, strike Subsection (b) and (c) and substitute the following:

(b) The department may collect a fee for processing a title or registration payment by electronic funds transfer, credit card, or debit card. The amount of the fee must not exceed the charges incurred by the state because of the use of the electronic funds transfer, credit card, or debit card.

(c) For online transactions the department may collect from a person making payment by electronic funds transfer, credit card, or debit card an amount equal to any fee charged in accordance with Government Code, Section 2054.2591.

(2) On page 12, line 68 by striking "may [~~shall~~] establish" and substituting "shall retain or establish one or more".

The amendment to **CSHB 2017** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2017 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2017 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2017** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3727 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3727** at this time on its second reading:

HB 3727, Relating to the appraisal for ad valorem tax purposes of certain commercial aircraft that are temporarily located in this state for manufacturing or assembly purposes.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3727** in SECTION 1 of the bill, at the end of added Section 23.1211, Tax Code (senate committee printing, page 1, between lines 39 and 40), by inserting the following:

(c) The legislature finds that there is a lack of information that reliably establishes the market value of temporary production aircraft. Accordingly, the legislature has enacted this section to specify the method to be used in determining the appraised value of such aircraft.

The amendment to **HB 3727** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3727 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3727 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3727** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1075 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **HB 1075** at this time on its second reading:

HB 1075, Relating to an alert for a missing person with an intellectual disability.

The motion prevailed.

Senator Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Shapiro.

HOUSE BILL 1075 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1075** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Shapiro.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 2383 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2383** at this time on its second reading:

HB 2383, Relating to a study regarding the reenactment of the franchise tax credit or providing other incentives for certain research and development activities.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2383 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2383** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 441 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **HB 441** at this time on its second reading:

HB 441, Relating to the fees for certain commercial vehicles.

The motion prevailed.

Senators Birdwell and Fraser asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Fraser.

HOUSE BILL 441 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 441** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1242 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1242** at this time on its second reading:

CSHB 1242, Relating to the regulation of certain metal dealers; providing criminal penalties.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1242** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 13, strike "Section 1956.001(8), Occupations Code, is" and substitute "Sections 1956.001(8) and (10), Occupations Code, are".

(2) In SECTION 1 of the bill, in amended Section 1956.001, Occupations Code (page 1, between lines 26 and 27), insert the following:

(10) "Regulated metal" means:

(A) manhole covers;

(B) guardrails;

(C) metal cylinders designed to contain compressed air, oxygen, gases,

or liquids;

(D) beer kegs made from metal other than aluminum;

(E) historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum;

(F) unused rebar;

(G) street signs;

(H) drain gates;

(I) safes;

(J) communication, transmission, and service wire or cable;

(K) condensing or evaporator coils for central heating or air conditioning units;

(L) utility structures, including the fixtures and hardware;

(M) aluminum or stainless steel containers designed to hold propane for fueling forklifts; ~~and~~

(N) metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions;

(O) catalytic converters not attached to a vehicle;

(P) fire hydrants;

(Q) metal bleachers or other seating facilities used in recreational areas or sporting arenas;

(R) any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad;

(S) insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation;

(T) backflow valves; and

(U) metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.

(3) Strike SECTION 8 of the bill (page 2, line 48) and substitute the following:

SECTION 8. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Subsection (f), Section 1956.003, Section 1956.004, and Subsections (b) and (e), Section 1956.038, Occupations Code, as added by this Act, take effect March 1, 2012.

(4) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 1956.003, Occupations Code, is amended to read as follows:

Sec. 1956.003. LOCAL LAW; CRIMINAL PENALTY.

SECTION _____. Section 1956.003, Occupations Code, is amended by adding Subsections (a-1), (a-2), (f), (g), and (h) to read as follows:

(a-1) A county, municipality, or other political subdivision may require the record of purchase described under Section 1956.033 to contain a clear and legible thumbprint of a seller of regulated material.

(a-2) A county, municipality, or other political subdivision that, as authorized under Subsection (a), requires a metal recycling entity to report to the county, municipality, or political subdivision information relating to a sale of regulated material shall:

(1) include in any contract entered into by the county, municipality, or political subdivision relating to the reporting of the information a provision that:

(A) requires any contractor, subcontractor, or third party that has access to, comes into possession of, or otherwise obtains information relating to a sale of regulated material to maintain the confidentiality of all information received, including the name of the seller, the price paid for a purchase of regulated material, and the quantity of regulated material purchased; and

(B) allows the county, municipality, or political subdivision to terminate the contract of any contractor, subcontractor, or third party that violates the confidentiality provision required by Paragraph (A); and

(2) investigate a complaint alleging that a contractor, subcontractor, or third party has failed to maintain the confidentiality of information relating to a sale of regulated material.

(f) A person commits an offense if the person owns or operates a metal recycling entity and does not hold a license or permit required by a county, municipality, or other political subdivision as authorized under Subsection (b). An offense under this subsection is a Class B misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted under this subsection, in which event the offense is a Class A misdemeanor.

(g) It is an exception to the application of Subsection (f) that:

(1) the person held a license or permit issued by the appropriate county, municipality, or other political subdivision at one point during the 12-month period preceding the date of the alleged offense; and

(2) the person obtains or submits an application for the appropriate license or permit not later than the 15th day after the date the person receives notice from the appropriate county, municipality, or other political subdivision informing the person that the metal recycling entity is operating without the required license or permit.

(h) This subsection and Subsection (g) expire March 1, 2013.

SECTION ____ . Subchapter A, Chapter 1956, Occupations Code, is amended by adding Section 1956.004 to read as follows:

Sec. 1956.004. CIVIL PENALTY. (a) A person who owns or operates a metal recycling entity and does not hold a license or permit required by a county, municipality, or other political subdivision as authorized under Section 1956.003(b) is subject to a civil penalty of not more than \$1,000 for each violation. In determining the amount of the civil penalty, the court shall consider:

(1) any other violations by the person; and

(2) the amount necessary to deter future violations.

(b) A district attorney, county attorney, or municipal attorney may institute an action to collect the civil penalty provided by this section.

(c) Each day a violation occurs or continues to occur is a separate violation.

(d) The district attorney, county attorney, or municipal attorney may recover reasonable expenses incurred in obtaining a civil penalty under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

(e) It is an exception to the application of this section that:

(1) the person held a license or permit issued by the appropriate county, municipality, or other political subdivision at one point during the 12-month period preceding the date of the alleged violation; and

(2) the person obtains or submits an application for the appropriate license or permit not later than the 15th day after the date the person receives notice from the appropriate county, municipality, or other political subdivision informing the person that the metal recycling entity is operating without the required license or permit.

(f) This subsection and Subsection (e) expire March 1, 2013.

SECTION ____ . Section 1956.015, Occupations Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d) Information provided under this section is not subject to disclosure under Chapter 552, Government Code. The department may use information provided under this section for law enforcement purposes. Except as provided by this subsection, the department shall maintain the confidentiality of all information provided under this section, including the name of the seller, the price paid for a purchase of regulated material, and the quantity of regulated material purchased [that relates to the financial condition or business affairs of a metal recycling entity or that is otherwise commercially sensitive. The confidential information is not subject to disclosure under Chapter 552, Government Code].

(e) The department may enter into contracts relating to the operation of the statewide electronic reporting system established by this section. A contract under this subsection must:

(1) require that any contractor, subcontractor, or third party that has access to, comes into possession of, or otherwise obtains information provided under this section maintain the confidentiality of all information provided under this section, including the name of the seller, the price paid for a purchase of regulated material, and the quantity of regulated material purchased; and

(2) provide that the department may terminate the contract of any contractor, subcontractor, or third party that violates the confidentiality provision required by Subdivision (1).

(f) The department shall investigate a complaint alleging that a contractor, subcontractor, or third party has failed to maintain the confidentiality of information relating to a sale of regulated material.

SECTION ____. Subchapter A-1, Chapter 1956, Occupations Code, is amended by adding Sections 1956.016 and 1956.017 to read as follows:

Sec. 1956.016. REGISTRATION DATABASE. The department shall make available on its Internet website a publicly accessible list of all registered metal recycling entities. The list must contain the following for each registered metal recycling entity:

(1) the entity's name;

(2) the entity's physical address; and

(3) the name of and contact information for a representative of the entity.

Sec. 1956.017. ADVISORY COMMITTEE. (a) The department shall establish an advisory committee to advise the department on matters related to the department's regulation of metal recycling entities under this chapter.

(b) The advisory committee consists of 12 members appointed by the director as follows:

(1) one representative of the department;

(2) two representatives of local law enforcement agencies located in different municipalities, each with a population of 500,000 or more;

(3) two representatives of local law enforcement agencies located in different municipalities, each with a population of 200,000 or more but less than 500,000;

(4) one representative of a local law enforcement agency located in a municipality with a population of less than 200,000;

(5) four representatives of metal recycling entities; and

(6) two members who represent industries that are impacted by theft of regulated material.

(c) The director shall ensure that the members of the advisory committee reflect the diverse geographic regions of this state.

(d) The advisory committee shall elect a presiding officer from among its members to serve a two-year term. A member may serve more than one term as presiding officer.

(e) The advisory committee shall meet annually and at the call of the presiding officer or the director.

(f) An advisory committee member is not entitled to compensation or reimbursement of expenses.

(g) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee or to the appointment of the committee's presiding officer.

SECTION _____. The heading to Section 1956.032, Occupations Code, is amended to read as follows:

Sec. 1956.032. INFORMATION REGARDING ~~[PROVIDED BY]~~ SELLER.

SECTION _____. Section 1956.032, Occupations Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) Except as provided by Subsection (f), a person attempting to sell regulated material to a metal recycling entity shall:

(1) display to the metal recycling entity the person's personal identification document;

(2) provide to the metal recycling entity the make, model, color, and license plate number of the motor vehicle used to transport the regulated material and the name of the state issuing the license plate; ~~and~~

(3) either:

(A) present written documentation evidencing that the person is the legal owner or is lawfully entitled to sell the regulated material; or

(B) sign a written statement provided by the metal recycling entity that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale; and

(4) if the regulated material includes condensing or evaporator coils for central heating or air conditioning units, display to the metal recycling entity:

(A) the person's air conditioning and refrigeration contractor license issued under Subchapter F or G, Chapter 1302;

(B) the person's air conditioning and refrigeration technician registration issued under Subchapter K, Chapter 1302;

(C) a receipt, bill of sale, or other documentation showing that the seller purchased the coils the seller is attempting to sell; or

(D) a receipt, bill of sale, or other documentation showing that the seller has purchased a replacement central heating or air conditioning unit.

(g) Notwithstanding Section 1956.002, the metal recycling entity shall verify the registration of a person attempting to sell regulated material who represents that the person is a metal recycling entity as follows:

(1) by using the database described by Section 1956.016; or

(2) by obtaining from the person a copy of the person's certificate of registration issued under Section 1956.022 in addition to the information required under Subsection (a).

SECTION _____. Section 1956.033, Occupations Code, is amended to read as follows:

Sec. 1956.033. RECORD OF PURCHASE. (a) Each metal recycling entity in this state shall keep an accurate electronic record or an accurate and legible written record of each purchase of regulated material made in the course of the entity's business from an individual ~~[of:~~

~~[(1) copper or brass material;~~

~~[(2) bronze material;~~

~~[(3) aluminum material; or~~

~~[(4) regulated metal].~~

(b) The record must be in English and include:

(1) the place and date of the purchase;

(2) the name and address of the seller in possession of [each individual from whom] the regulated material [is] purchased ~~[or obtained];~~

(3) the identifying number of the seller's personal identification document;

(4) a description made in accordance with the custom of the trade of the commodity type and quantity of regulated material purchased; ~~[and]~~

(5) the information required by Sections 1956.032(a)(2) and (3);

(6) as applicable:

(A) the identifying number of the seller's air conditioning and refrigeration contractor license displayed under Section 1956.032(a)(4)(A);

(B) a copy of the seller's air conditioning and refrigeration technician registration displayed under Section 1956.032(a)(4)(B);

(C) a copy of the documentation described by Section 1956.032(a)(4)(C); or

(D) a copy of the documentation described by Section 1956.032(a)(4)(D); and

(7) a copy of the documentation described by Section 1956.032(g) [Section 1956.032(a)(3)].

SECTION _____. Subchapter A-3, Chapter 1956, Occupations Code, is amended by adding Section 1956.0331 to read as follows:

Sec. 1956.0331. PHOTOGRAPH OR RECORDING REQUIREMENT FOR REGULATED METAL TRANSACTION. (a) In addition to the requirements of Sections 1956.032 and 1956.033, for each purchase by a metal recycling entity of an item of regulated metal, the entity shall obtain a digital photograph or video recording that accurately depicts the seller's entire face and each type of regulated metal purchased.

(b) A metal recycling entity shall preserve a photograph or recording required under Subsection (a) as follows:

(1) for a video recording, until the 91st day after the date of the transaction;
and

(2) for a digital photograph, until the 181st day after the date of the transaction.

(c) The photograph or recording must be made available for inspection as provided by Section 1956.035 not later than 72 hours after the time of purchase.

SECTION _____. Section 1956.034, Occupations Code, is amended to read as follows:

Sec. 1956.034. PRESERVATION OF RECORDS. A metal recycling entity shall preserve each record required by Sections 1956.032 and 1956.033 until the second ~~third~~ anniversary of the date the record was made. The records must be kept in an easily retrievable format and must be available for inspection as provided by Section 1956.035 not later than 72 hours after the time of purchase.

SECTION _____. Section 1956.035, Occupations Code, is amended to read as follows:

Sec. 1956.035. INSPECTION OF RECORDS ~~[BY PEACE OFFICER]~~. (a) On request, a metal recycling entity shall permit a peace officer of this state, a representative of the department, or a representative of a county, municipality, or other political subdivision that issues a license or permit under Section 1956.003(b) to inspect, during the entity's usual business hours:

- (1) a record required by Section 1956.033; ~~[or]~~
- (2) a digital photograph or video recording required by Section 1956.0331;

or

- (3) regulated material in the entity's possession.

(b) The person seeking to inspect a record or material ~~[inspecting officer]~~ shall:

- (1) inform the entity of the officer's status as a peace officer; or
- (2) if the person is a representative of the department or a representative of a

county, municipality, or other political subdivision, inform the entity of the person's status and display to the entity an identification document or other appropriate documentation establishing the person's status as a representative of the department or of the appropriate county, municipality, or political subdivision.

SECTION _____. Section 1956.036, Occupations Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) Except as provided by Subsections ~~[Subsection]~~ (b) and (d), not later than the close of business on a metal recycling entity's second working ~~[seventh]~~ day after the date of the purchase or other acquisition of material for which a record is required under Section 1956.033, the ~~[a metal recycling]~~ entity shall send an electronic transaction report to the department via the department's Internet website. The ~~[by facsimile or electronic mail to or file with the department a]~~ report must contain ~~[containing]~~ the information required to be recorded under Section 1956.033 ~~[that section]~~.

(b) If a metal recycling entity purchases bronze material that is a cemetery vase, receptacle, memorial, or statuary or a pipe that can reasonably be identified as aluminum irrigation pipe, the entity shall:

- (1) not later than the close of business on the entity's first working day after the purchase date, notify the department by telephone, by e-mail, or via the department's Internet website; and

(2) not later than the close of business on the entity's second working ~~first~~ day after the purchase date, submit to the department electronically via the department's Internet website ~~mail to~~ or file with the department a report containing the information required to be recorded under Section 1956.033.

(d) A metal recycling entity may submit the transaction report required under Subsection (a) by facsimile if:

(1) the entity submits to the department annually:

(A) an application requesting an exception to the electronic reporting requirement; and

(B) an affidavit stating that the entity does not have an available and reliable means of submitting the transaction report electronically; and

(2) the department approves the entity's application under this subsection.

(e) The department, after notice and an opportunity for a hearing, may prohibit a metal recycling entity from paying cash for a purchase of regulated material for a period determined by the department if the department finds that the entity has failed to comply with this section.

SECTION _____. Section 1956.038, Occupations Code, is amended to read as follows:

Sec. 1956.038. PROHIBITED ACTS. (a) A person may not, with the intent to deceive:

(1) display to a metal recycling entity a false or invalid personal identification document in connection with the person's attempted sale of regulated material;

(2) make a false, material statement or representation to a metal recycling entity in connection with:

(A) that person's execution of a written statement required by Section 1956.032(a)(3); or

(B) the entity's efforts to obtain the information required under Section 1956.033(b); ~~or~~

(3) display or provide to a metal recycling entity any information required under Section 1956.032 that the person knows is false or invalid; or

(4) display another individual's personal identification document in connection with the sale of regulated material.

(b) A metal recycling entity may not pay for a purchase of regulated material in cash if:

(1) the entity does not hold a certificate of registration under Subchapter A-2 and, if applicable, a license or permit required by a county, municipality, or other political subdivision as authorized under Section 1956.003(b); or

(2) the entity has been prohibited by the department from paying cash under Section 1956.036(e).

(c) Notwithstanding Section 1956.003(a) or any other law, a county, municipality, or other political subdivision may not adopt or enforce a rule, charter, or ordinance or issue an order or impose standards that limit the use of cash by a metal recycling entity in a manner more restrictive than that provided by Subsection (b).

(d) Subsection (c) does not apply to a rule, charter, ordinance, or order of a county, municipality, or other political subdivision in effect on January 1, 2011.

(d-1) Not later than January 1, 2012, the department shall issue a notice to each known owner or operator of a metal recycling entity in this state informing the owner or operator of the requirement to obtain a certificate of registration under Subchapter A-2 and, if applicable, to obtain a license or permit required by a county, municipality, or other political subdivision under Section 1956.003. The notice must also state:

(1) that the owner or operator shall submit an application for a certificate of registration and the appropriate license or permit required by a county, municipality, or other political subdivision on or before March 1, 2012; and

(2) the penalties under this chapter for failure to comply with Subdivision (1).

(d-2) This subsection and Subsection (d-1) expire March 1, 2012.

(e) The department or a county, municipality, or other political subdivision may bring an action in the county in which a metal recycling entity is located to enjoin the business operations of the owner or operator of the metal recycling entity for a period of not less than 30 days and not more than 90 days if the owner or operator has not submitted an application for a certificate of registration or the appropriate license or permit required by a county, municipality, or other political subdivision.

(f) An action under Subsection (e) must be brought in the name of the state. If judgment is in favor of the state, the court shall:

(1) enjoin the owner or operator from maintaining or participating in the business of a metal recycling entity for a definite period of not less than 30 days and not more than 90 days, as determined by the court; and

(2) order that the place of business of the owner or operator be closed for the same period.

SECTION ____. Section 1956.040, Occupations Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a-1) A person commits an offense if the person knowingly violates Section 1956.021, 1956.023(d), 1956.036(a), or 1956.039.

(a-2) An offense under Subsection (a-1) is a misdemeanor punishable by a fine not to exceed \$10,000, unless it is shown on trial of the offense that the person has previously been convicted of a violation of Subsection (a-1), in which event the offense is a state jail felony.

(a-3) It is an affirmative defense to prosecution of a violation of Section 1956.021 or 1956.023(d) that the person made a diligent effort to obtain or renew a certificate of registration at the time of the violation.

(a-4) A municipality or county may retain 10 percent of the money collected from a fine for a conviction of an offense under Subsection (a-1) as a service fee for that collection and the clerk of the court shall remit the remainder of the fine collected for conviction of an offense under Subsection (a-1) to the comptroller in the manner provided for the remission of fees to the comptroller under Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit proceeds received under this subsection to the credit of an account in the general revenue fund, and those proceeds may be appropriated only to the department and used to:

(1) finance the department's administration of Subchapters A, A-1, A-2, and A-3; and

(2) fund grants distributed under the prevention of scrap metal theft grant program established under Subchapter N, Chapter 411, Government Code.

SECTION _____. Subsection (a), Section 1956.103, Occupations Code, is amended to read as follows:

(a) A person may not sell or otherwise transfer to a metal recycling entity:

(1) a lead-acid battery, fuel tank, or PCB-containing capacitor that is included with another type of scrap, used, or obsolete metal without first obtaining from the metal recycling entity a written and signed acknowledgment that the scrap, used, or obsolete metal includes one or more lead-acid batteries, fuel tanks, or PCB-containing capacitors;

(2) any of the following items that contain or enclose a lead-acid battery, fuel tank, or PCB-containing capacitor or of which a lead-acid battery, fuel tank, or PCB-containing capacitor is a part:

(A) a motor vehicle;

(B) a motor vehicle that has been junked, flattened, dismantled, or changed so that it has lost its character as a motor vehicle;

(C) an appliance; or

(D) any other item of scrap, used, or obsolete metal; ~~or~~

(3) a motor vehicle or a motor vehicle that has been junked, flattened, dismantled, or changed so that it has lost its character as a motor vehicle if the motor vehicle includes, contains, or encloses a tire or scrap tire; or

(4) a metal alcoholic beverage keg, regardless of condition, unless the seller is the manufacturer of the keg, the brewer or distiller of the beverage that was contained in the keg, or an authorized representative of the manufacturer, brewer, or distiller.

SECTION _____. Section 1956.151, Occupations Code, is amended to read as follows:

Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION. The department shall deny an application for a certificate of registration, suspend or revoke a certificate of registration, or reprimand a person who is registered under this chapter if the person:

(1) obtains a certificate of registration by means of fraud, misrepresentation, or concealment of a material fact;

(2) sells, barter, or offers to sell or barter a certificate of registration;

(3) violates a provision of this chapter or a rule adopted under this chapter;

or

(4) violates Section 1956.021.

SECTION _____. Subsection (d), Section 1956.202, Occupations Code, is amended to read as follows:

(d) A civil penalty may not be assessed under this section for conduct described by Section 1956.021, 1956.023(d), 1956.036(a), 1956.038, or 1956.039.

SECTION _____. Chapter 411, Government Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. PREVENTION OF SCRAP METAL THEFT GRANT PROGRAM

Sec. 411.421. DEFINITION. In this subchapter, "regulated material" has the meaning assigned by Section 1956.001, Occupations Code.

Sec. 411.422. GRANTS TO FUND SCRAP METAL THEFT PREVENTION.

(a) From fines collected and distributed to the department under Sections 1956.040(a-2) and (a-4), Occupations Code, the commission by rule shall establish and implement a grant program to provide funding to assist local law enforcement agencies in preventing the theft of regulated material.

(b) To be eligible for a grant, a recipient must be a local law enforcement agency that has established a program designed to prevent the theft of regulated material.

(c) Rules adopted under this section must:

(1) include accountability measures for grant recipients and provisions for loss of eligibility for grant recipients that fail to comply with the measures; and

(2) require grant recipients to provide to the department information on program outcomes.

SECTION ____. Subsection (e), Section 31.03, Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than:

(A) \$50; or

(B) \$20 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is:

(i) \$50 or more but less than \$500; or

(ii) \$20 or more but less than \$500 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(B) the value of the property stolen is less than:

(i) \$50 and the defendant has previously been convicted of any grade of theft; or

(ii) \$20, the defendant has previously been convicted of any grade of theft, and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06; or

(C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;

(3) a Class A misdemeanor if the value of the property stolen is \$500 or more but less than \$1,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$1,500 or more but less than \$20,000, or the property is less than 10 head of sheep, swine, or goats or any part thereof under the value of \$20,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave, including property that is a military grave marker;

(C) the property stolen is a firearm, as defined by Section 46.01;

(D) the value of the property stolen is less than \$1,500 and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election; or

(F) the value of the property stolen is less than \$20,000 and the property stolen is ~~[insulated or noninsulated tubing, rods, water gate stems, wire, or cable that consists of at least 50 percent]:~~

- (i) aluminum;
- (ii) bronze; ~~[or]~~
- (iii) copper; or
- (iv) brass;

(5) a felony of the third degree if the value of the property stolen is \$20,000 or more but less than \$100,000, or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$100,000; or

(B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$100,000;

(6) a felony of the second degree if the value of the property stolen is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property stolen is \$200,000 or more.

SECTION _____. The enhancement of the punishment of an offense provided under Subsection (a-2), Section 1956.040, Occupations Code, as added by this Act, applies only to an offense committed on or after January 1, 2012. For purposes of this subsection, an offense is committed before January 1, 2012, if any element of the offense occurs before that date. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION _____. Not later than January 1, 2012, the public safety director of the Department of Public Safety of the State of Texas shall appoint the members of the advisory committee established under Section 1956.017, Occupations Code, as added by this Act, and designate the time and place of the committee's first meeting.

The amendment to **CSHB 1242** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1242 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1242 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1242** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 27, SB 82, SB 101, SB 179, SB 191, SB 199, SB 227, SB 283, SB 324, SB 373, SB 412, SB 434, SB 470, SB 485, SB 490, SB 493, SB 508, SB 510, SB 524, SB 543, SB 579, SB 580, SB 587, SB 613, SB 633, SB 710, SB 778, SB 866, SB 880, SB 888, SB 990, SB 1008, SB 1065, SB 1100, SB 1132, SB 1184, SB 1197, SB 1243, SB 1291, SB 1378, SB 1518, SB 1618, SB 1630, SB 1635, SB 1661, SB 1739, SB 1882, SB 1895, SB 1922, SCR 5, SCR 10, SCR 18, SCR 39, SCR 55.

HOUSE BILL 3803 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3803** at this time on its second reading:

HB 3803, Relating to the creation of the Cottonwood Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3803 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3803** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2729 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2729** at this time on its second reading:

HB 2729, Relating to local government contracts with private entities for civil works projects and improvements to real property.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2729** (senate committee report version) as follows:

(1) In SECTION 2 of the bill (page 1, line 36), strike "This Act" and substitute "Section 271.908, Local Government Code, as added by this Act,".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle F, Title 10, Government Code, is amended by adding Chapters 2267 and 2268 to read as follows:

CHAPTER 2267. PUBLIC AND PRIVATE FACILITIES AND
INFRASTRUCTURE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2267.001. DEFINITIONS. In this chapter:

(1) "Affected jurisdiction" means any county or municipality in which all or a portion of a qualifying project is located.

(2) "Comprehensive agreement" means the comprehensive agreement authorized by Section 2267.058 between the contracting person and the responsible governmental entity.

(3) "Contracting person" means a person who enters into a comprehensive or interim agreement with a responsible governmental entity under this chapter.

(4) "Develop" means to plan, design, develop, finance, lease, acquire, install, construct, or expand a qualifying project.

(5) "Governmental entity" means:

(A) a board, commission, department, or other agency of this state, including an institution of higher education as defined by Section 61.003, Education Code, that elects to operate under this chapter through the adoption of a resolution by the institution's board of regents; and

(B) a political subdivision of this state that elects to operate under this chapter by the adoption of a resolution by the governing body of the political subdivision.

(6) "Interim agreement" means an agreement authorized by Section 2267.059 between a contracting person and a responsible governmental entity that proposes the development or operation of the qualifying project.

(7) "Lease payment" means any form of payment, including a land lease, by a governmental entity to the contracting person for the use of a qualifying project.

(8) "Material default" means any default by a contracting person in the performance of duties imposed under Section 2267.057(f) that jeopardizes adequate service to the public from a qualifying project.

(9) "Operate" means to finance, maintain, improve, equip, modify, repair, or operate a qualifying project.

(10) "Qualifying project" means:

(A) any ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, oil or gas pipeline, water supply facility, public work, waste treatment facility, hospital, school, medical or nursing care facility, recreational facility, public building, or other similar facility currently available or to be made available to a governmental entity for public use, including any structure,

parking area, appurtenance, and other property required to operate the structure or facility and any technology infrastructure installed in the structure or facility that is essential to the project's purpose; or

(B) any improvements necessary or desirable to unimproved real estate owned by a governmental entity.

(11) "Responsible governmental entity" means a governmental entity that has the power to develop or operate an applicable qualifying project.

(12) "Revenue" means all revenue, income, earnings, user fees, lease payments, or other service payments that support the development or operation of a qualifying project, including money received as a grant or otherwise from the federal government, a governmental entity, or any agency or instrumentality of the federal government or governmental entity in aid of the project.

(13) "Service contract" means a contract between a governmental entity and a contracting person under Section 2267.054.

(14) "Service payment" means a payment to a contracting person of a qualifying project under a service contract.

(15) "User fee" means a rate, fee, or other charge imposed by a contracting person for the use of all or part of a qualifying project under a comprehensive agreement.

Sec. 2267.002. DECLARATION OF PUBLIC PURPOSE; CONSTRUCTION OF CHAPTER. (a) The legislature finds that:

(1) there is a public need for timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, and installation of education facilities, technology and other public infrastructure, and government facilities in this state that serve a public need and purpose;

(2) the public need may not be wholly satisfied by existing methods of procurement in which qualifying projects are acquired, designed, constructed, improved, renovated, expanded, equipped, maintained, operated, implemented, or installed;

(3) there are inadequate resources to develop new education facilities, technology and other public infrastructure, and government facilities for the benefit of the citizens of this state, and there is demonstrated evidence that partnerships between public entities and private entities or other persons can meet these needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public;

(4) financial incentives exist under state and federal tax provisions that encourage public entities to enter into partnerships with private entities or other persons to develop qualifying projects; and

(5) authorizing private entities or other persons to develop or operate one or more qualifying projects may serve the public safety, benefit, and welfare by making the projects available to the public in a more timely or less costly fashion.

(b) An action authorized under Section 2267.053 serves the public purpose of this chapter if the action facilitates the timely development or operation of a qualifying project.

(c) The purposes of this chapter include:

(1) encouraging investment in this state by private entities and other persons;

(2) facilitating bond financing or other similar financing mechanisms, private capital, and other funding sources that support the development or operation of qualifying projects in order to expand and accelerate financing for qualifying projects that improve and add to the convenience of the public; and

(3) providing governmental entities with the greatest possible flexibility in contracting with private entities or other persons to provide public services through qualifying projects subject to this chapter.

(d) This chapter shall be liberally construed in conformity with the purposes of this section.

(e) The procedures in this chapter are not exclusive. This chapter does not prohibit a responsible governmental entity from entering into an agreement for or procuring public and private facilities and infrastructure under other statutory authority.

Sec. 2267.003. APPLICABILITY. This chapter does not apply to:

(1) the financing, design, construction, maintenance, or operation of a highway in the state highway system;

(2) a transportation authority created under Chapter 451, 452, 453, or 460, Transportation Code; or

(3) any telecommunications, cable television, video service, or broadband infrastructure other than technology installed as part of a qualifying project that is essential to the project.

Sec. 2267.004. APPLICABILITY OF EMINENT DOMAIN LAW. This chapter does not alter the eminent domain laws of this state or grant the power of eminent domain to any person who is not expressly granted that power under other state law.

[Sections 2267.005-2267.050 reserved for expansion]

SUBCHAPTER B. QUALIFYING PROJECTS

Sec. 2267.051. APPROVAL REQUIRED; SUBMISSION OF PROPOSAL FOR QUALIFYING PROJECT. (a) A person may not develop or operate a qualifying project unless the person obtains the approval of and contracts with the responsible governmental entity under this chapter. The person may initiate the approval process by submitting a proposal requesting approval under Section 2267.053(a), or the responsible governmental entity may request proposals or invite bids under Section 2267.053(b).

(b) A person submitting a proposal requesting approval of a qualifying project shall specifically and conceptually identify any facility, building, infrastructure, or improvement included in the proposal as a part of the qualifying project.

(c) On receipt of a proposal submitted by a person initiating the approval process under Section 2267.053(a), the responsible governmental entity shall determine whether to accept the proposal for consideration in accordance with Sections 2267.052 and 2267.065 and the guidelines adopted under those sections. A responsible governmental entity that determines not to accept the proposal for consideration shall return the proposal, all fees, and the accompanying documentation to the person submitting the proposal.

(d) The responsible governmental entity may at any time reject a proposal initiated by a person under Section 2267.053(a).

Sec. 2267.052. ADOPTION OF GUIDELINES BY RESPONSIBLE GOVERNMENTAL ENTITIES. (a) Before requesting or considering a proposal for a qualifying project, a responsible governmental entity must adopt and make publicly available guidelines that enable the governmental entity to comply with this chapter. The guidelines must be reasonable, encourage competition, and guide the selection of projects under the purview of the responsible governmental entity.

(b) The guidelines for a responsible governmental entity described by Section 2267.001(5)(A) must:

(1) require the responsible governmental entity to:

(A) make a representative of the entity available to meet with persons who are considering submitting a proposal; and

(B) provide notice of the representative's availability;

(2) provide reasonable criteria for choosing among competing proposals;

(3) contain suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement;

(4) allow the responsible governmental entity to accelerate the selection, review, and documentation timelines for proposals involving a qualifying project considered a priority by the entity;

(5) include financial review and analysis procedures that at a minimum consist of:

(A) a cost-benefit analysis;

(B) an assessment of opportunity cost;

(C) consideration of the degree to which functionality and services similar to the functionality and services to be provided by the proposed project are already available in the private market; and

(D) consideration of the results of all studies and analyses related to the proposed qualifying project;

(6) allow the responsible governmental entity to consider the nonfinancial benefits of a proposed qualifying project;

(7) include criteria for:

(A) the qualifying project, including the scope, costs, and duration of the project and the involvement or impact of the project on multiple public entities;

(B) the creation of and the responsibilities of an oversight committee, with members representing the responsible governmental entity, that acts as an advisory committee to review the terms of any proposed interim or comprehensive agreement; and

(C) compliance with the requirements of Chapter 2268;

(8) require the responsible governmental entity to analyze the adequacy of the information to be released by the entity when seeking competing proposals and require that the entity provide more detailed information, if the entity determines necessary, to encourage competition, subject to Section 2267.053(g);

(9) establish criteria, key decision points, and approvals required to ensure that the responsible governmental entity considers the extent of competition before selecting proposals and negotiating an interim or comprehensive agreement; and

(10) require the posting and publishing of public notice of a proposal requesting approval of a qualifying project, including:

(A) specific information and documentation regarding the nature, timing, and scope of the qualifying project, as required under Section 2267.053(a);

(B) a reasonable period of not less than 45 days, as determined by the responsible governmental entity, to encourage competition and partnerships with private entities and other persons in accordance with the goals of this chapter, during which the responsible governmental entity must accept submission of competing proposals for the qualifying project; and

(C) a requirement for advertising the notice on the governmental entity's Internet website and on TexasOnline or the state's official Internet website.

(c) The guidelines of a responsible governmental entity described by Section 2267.001(5)(B):

(1) may include the provisions required under Subsection (b); and

(2) must include a requirement that the governmental entity engage the services of qualified professionals, including an architect, professional engineer, or certified public accountant, not otherwise employed by the governmental entity, to provide independent analyses regarding the specifics, advantages, disadvantages, and long-term and short-term costs of any proposal requesting approval of a qualifying project unless the governing body of the governmental entity determines that the analysis of the proposal is to be performed by employees of the governmental entity.

Sec. 2267.053. APPROVAL OF QUALIFYING PROJECTS BY RESPONSIBLE GOVERNMENTAL ENTITY. (a) A private entity or other person may submit a proposal requesting approval of a qualifying project by the responsible governmental entity. The proposal must be accompanied by the following, unless waived by the responsible governmental entity:

(1) a topographic map, with a 1:2,000 or other appropriate scale, indicating the location of the qualifying project;

(2) a description of the qualifying project, including:

(A) the conceptual design of any facility or a conceptual plan for the provision of services or technology infrastructure; and

(B) a schedule for the initiation of and completion of the qualifying project that includes the proposed major responsibilities and timeline for activities to be performed by the governmental entity and the person;

(3) a statement of the method the person proposes for securing necessary property interests required for the qualifying project;

(4) information relating to any current plans for the development of facilities or technology infrastructure to be used by a governmental entity that are similar to the qualifying project being proposed by the person for each affected jurisdiction;

(5) a list of all permits and approvals required for the development and completion of the qualifying project from local, state, or federal agencies and a projected schedule for obtaining the permits and approvals;

(6) a list of any facilities that will be affected by the qualifying project and a statement of the person's plans to accommodate the affected facilities;

(7) a statement on the person's general plans for financing the qualifying project, including the sources of the person's funds and identification of any dedicated revenue source or proposed debt or equity investment for the person;

(8) the name and address of each individual who may be contacted for further information concerning the request;

(9) user fees, lease payments, and other service payments over the term of any applicable interim or comprehensive agreement and the methodology and circumstances for changes to the user fees, lease payments, and other service payments over time; and

(10) any additional material and information the responsible governmental entity reasonably requests.

(b) A responsible governmental entity may request proposals or invite bids from persons for the development or operation of a qualifying project. A responsible governmental entity shall consider the total project cost as one factor in evaluating the proposals received, but is not required to select the proposal that offers the lowest total project cost. The responsible governmental entity may consider the following factors:

(1) the proposed cost of the qualifying project;

(2) the general reputation, industry experience, and financial capacity of the person submitting a proposal;

(3) the proposed design of the qualifying project;

(4) the eligibility of the project for accelerated selection, review, and documentation timelines under the responsible governmental entity's guidelines;

(5) comments from local citizens and affected jurisdictions;

(6) benefits to the public;

(7) the person's good faith effort to comply with the goals of a historically underutilized business plan;

(8) the person's plans to employ local contractors and residents;

(9) for a qualifying project that involves a continuing role beyond design and construction, the person's proposed rate of return and opportunities for revenue sharing; and

(10) other criteria that the responsible governmental entity considers appropriate.

(c) The responsible governmental entity may approve as a qualifying project the development or operation of a facility needed by the governmental entity, or the design or equipping of a qualifying project, if the responsible governmental entity determines that the project serves the public purpose of this chapter. The responsible governmental entity may determine that the development or operation of the project as a qualifying project serves the public purpose if:

(1) there is a public need for or benefit derived from the project of the type the person proposes as a qualifying project;

(2) the estimated cost of the project is reasonable in relation to similar facilities; and

(3) the person's plans will result in the timely development or operation of the qualifying project.

(d) The responsible governmental entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the proposal, including reasonable legal fees and fees for financial, technical, and other necessary advisors or consultants.

(e) The approval of a responsible governmental entity described by Section 2267.001(5)(A) is subject to the private entity or other person entering into an interim or comprehensive agreement with the responsible governmental entity.

(f) On approval of the qualifying project, the responsible governmental entity shall establish a date by which activities related to the qualifying project must begin. The responsible governmental entity may extend the date.

(g) The responsible governmental entity shall take action appropriate under Section 552.153 to protect confidential and proprietary information provided by the contracting person under an agreement.

(h) Before entering into the negotiation of an interim or comprehensive agreement, each responsible governmental entity described by Section 2267.001(5)(A) must submit copies of detailed proposals to the Partnership Advisory Commission in accordance with Chapter 2268.

(i) This chapter and an interim or comprehensive agreement entered into under this chapter do not enlarge, diminish, or affect any authority a responsible governmental entity has to take action that would impact the debt capacity of this state.

Sec. 2267.054. SERVICE CONTRACTS. A responsible governmental entity may contract with a contracting person for the delivery of services to be provided as part of a qualifying project in exchange for service payments and other consideration as the governmental entity considers appropriate.

Sec. 2267.055. AFFECTED JURISDICTIONS. (a) A person submitting a proposal to a responsible governmental entity under Section 2267.053 shall notify each affected jurisdiction by providing a copy of its proposal to the affected jurisdiction.

(b) Not later than the 60th day after the date an affected jurisdiction receives the notice required by Subsection (a), the affected jurisdiction that is not the responsible governmental entity for the respective qualifying project shall submit in writing to the responsible governmental entity any comments the affected jurisdiction has on the proposed qualifying project and indicate whether the facility or project is compatible with the local comprehensive plan, local infrastructure development plans, the capital improvements budget, or other government spending plan. The responsible governmental entity shall consider the submitted comments before entering into a comprehensive agreement with a contracting person.

Sec. 2267.056. DEDICATION AND CONVEYANCE OF PUBLIC PROPERTY. (a) After obtaining any appraisal of the property interest that is required under other law in connection with the conveyance, a governmental entity may dedicate any property interest, including land, improvements, and tangible personal property, for public use in a qualifying project if the governmental entity finds that the dedication will serve the public purpose of this chapter by minimizing the cost of a qualifying project to the governmental entity or reducing the delivery time of a qualifying project.

(b) In connection with a dedication under Subsection (a), a governmental entity may convey any property interest, including a license, franchise, easement, or another right or interest the governmental entity considers appropriate, subject to the conditions imposed by general law governing such conveyance and subject to the rights of an existing utility under a license, franchise, easement, or other right under law, to the contracting person for the consideration determined by the governmental entity. The consideration may include the agreement of the contracting person to develop or operate the qualifying project.

Sec. 2267.057. POWERS AND DUTIES OF CONTRACTING PERSON.

(a) The contracting person has:

(1) the power granted by:

(A) general law to a person that has the same form of organization as the contracting person; and

(B) a statute governing the business or activity of the contracting person; and

(2) the power to:

(A) develop or operate the qualifying project; and

(B) collect lease payments, impose user fees subject to Subsection (b), or enter into service contracts in connection with the use of the project.

(b) The contracting person may not impose a user fee or increase the amount of a user fee until the fee or increase is approved by the responsible governmental entity.

(c) The contracting person may own, lease, or acquire any other right to use or operate the qualifying project.

(d) The contracting person may finance a qualifying project in the amounts and on the terms determined by the contracting person. The contracting person may issue debt, equity, or other securities or obligations, enter into sale and leaseback transactions, and secure any financing with a pledge of, security interest in, or lien on any or all of its property, including all of its property interests in the qualifying project.

(e) In operating the qualifying project, the contracting person may:

(1) establish classifications according to reasonable categories for assessment of user fees; and

(2) with the consent of the responsible governmental entity, adopt and enforce reasonable rules for the qualifying project to the same extent as the responsible governmental entity.

(f) The contracting person shall:

(1) develop or operate the qualifying project in a manner that is acceptable to the responsible governmental entity and in accordance with any applicable interim or comprehensive agreement;

(2) subject to Subsection (g), keep the qualifying project open for use by the public at all times, or as appropriate based on the use of the project, after its initial opening on payment of the applicable user fees, lease payments, or service payments;

(3) maintain, or provide by contract for the maintenance or upgrade of, the qualifying project, if required by any applicable interim or comprehensive agreement;

(4) cooperate with the responsible governmental entity to establish any interconnection with the qualifying project requested by the responsible governmental entity; and

(5) comply with any applicable interim or comprehensive agreement and any lease or service contract.

(g) The qualifying project may be temporarily closed because of emergencies or, with the consent of the responsible governmental entity, to protect public safety or for reasonable construction or maintenance activities.

(h) This chapter does not prohibit a contracting person of a qualifying project from providing additional services for the qualifying project to the public or persons other than the responsible governmental entity, provided that the provision of additional service does not impair the contracting person's ability to meet the person's commitments to the responsible governmental entity under any applicable interim or comprehensive agreement.

Sec. 2267.058. COMPREHENSIVE AGREEMENT. (a) Before developing or operating the qualifying project, the contracting person must enter into a comprehensive agreement with a responsible governmental entity. The comprehensive agreement shall provide for:

(1) delivery of letters of credit or other security in connection with the development or operation of the qualifying project, in the forms and amounts satisfactory to the responsible governmental entity, and delivery of performance and payment bonds in compliance with Chapter 2253 for all construction activities;

(2) review of plans and specifications for the qualifying project by the responsible governmental entity and approval by the responsible governmental entity if the plans and specifications conform to standards acceptable to the responsible governmental entity, except that the contracting person may not be required to complete the design of a qualifying project before the execution of a comprehensive agreement;

(3) inspection of the qualifying project by the responsible governmental entity to ensure that the contracting person's activities are acceptable to the responsible governmental entity in accordance with the comprehensive agreement;

(4) maintenance of a public liability insurance policy, copies of which must be filed with the responsible governmental entity accompanied by proofs of coverage, or self-insurance, each in the form and amount satisfactory to the responsible governmental entity and reasonably sufficient to ensure coverage of tort liability to the public and project employees and to enable the continued operation of the qualifying project;

(5) monitoring of the practices of the contracting person by the responsible governmental entity to ensure that the qualifying project is properly maintained;

(6) reimbursement to be paid to the responsible governmental entity for services provided by the responsible governmental entity;

(7) filing of appropriate financial statements on a periodic basis; and

(8) policies and procedures governing the rights and responsibilities of the responsible governmental entity and the contracting person if the comprehensive agreement is terminated or there is a material default by the contracting person, including conditions governing:

(A) assumption of the duties and responsibilities of the contracting person by the responsible governmental entity; and

(B) the transfer or purchase of property or other interests of the contracting person to the responsible governmental entity.

(b) The comprehensive agreement shall provide for any user fee, lease payment, or service payment established by agreement of the parties. In negotiating a user fee under this section, the parties shall establish a payment or fee that is the same for persons using a facility of the qualifying project under like conditions and that will not materially discourage use of the qualifying project. The execution of the comprehensive agreement or an amendment to the agreement is conclusive evidence that the user fee, lease payment, or service payment complies with this chapter. A user fee or lease payment established in the comprehensive agreement as a source of revenue may be in addition to, or in lieu of, a service payment.

(c) A comprehensive agreement may include a provision that authorizes the responsible governmental entity to make grants or loans to the contracting person from money received from the federal, state, or local government or any agency or instrumentality of the government.

(d) The comprehensive agreement must incorporate the duties of the contracting person under this chapter and may contain terms the responsible governmental entity determines serve the public purpose of this chapter. The comprehensive agreement may contain:

(1) provisions that require the responsible governmental entity to provide notice of default and cure rights for the benefit of the contracting person and the persons specified in the agreement as providing financing for the qualifying project;

(2) other lawful terms to which the contracting person and the responsible governmental entity mutually agree, including provisions regarding unavoidable delays or providing for a loan of public money to the contracting person to develop or operate one or more qualifying projects; and

(3) provisions in which the authority and duties of the contracting person under this chapter cease and the qualifying project is dedicated for public use to the responsible governmental entity or, if the qualifying project was initially dedicated by an affected jurisdiction, to the affected jurisdiction.

(e) Any change in the terms of the comprehensive agreement that the parties agree to must be added to the comprehensive agreement by written amendment.

(f) The comprehensive agreement may provide for the development or operation of phases or segments of the qualifying project.

Sec. 2267.059. INTERIM AGREEMENT. Before or in connection with the negotiation of the comprehensive agreement, the responsible governmental entity may enter into an interim agreement with the contracting person proposing the development or operation of the qualifying project. The interim agreement may:

(1) authorize the contracting person to begin project phases or activities for which the contracting person may be compensated relating to the proposed qualifying project, including project planning and development, design, engineering, environmental analysis and mitigation, surveying, and financial and revenue analysis, including ascertaining the availability of financing for the proposed facility or facilities of the qualifying project;

(2) establish the process and timing of the negotiation of the comprehensive agreement; and

(3) contain any other provision related to any aspect of the development or operation of a qualifying project that the parties consider appropriate.

Sec. 2267.060. FEDERAL, STATE, AND LOCAL ASSISTANCE. (a) The contracting person and the responsible governmental entity may use any funding resources that are available to the parties, including:

(1) accessing any designated trust funds; and

(2) borrowing or accepting grants from any state infrastructure bank.

(b) The responsible governmental entity may take any action to obtain federal, state, or local assistance for a qualifying project that serves the public purpose of this chapter and may enter into any contracts required to receive the assistance.

(c) If the responsible governmental entity is a state agency, any money received from the state or federal government or any agency or instrumentality of the state or federal government is subject to appropriation by the legislature.

(d) The responsible governmental entity may determine that it serves the public purpose of this chapter for all or part of the costs of a qualifying project to be directly or indirectly paid from the proceeds of a grant or loan made by the local, state, or federal government or any agency or instrumentality of the government.

Sec. 2267.061. MATERIAL DEFAULT; REMEDIES. (a) If the contracting person commits a material default, the responsible governmental entity may assume the responsibilities and duties of the contracting person of the qualifying project. If the responsible governmental entity assumes the responsibilities and duties of the contracting person, the responsible governmental entity has all the rights, title, and interest in the qualifying project, subject to any liens on revenue previously granted by the contracting person to any person providing financing for the project.

(b) A responsible governmental entity that has the power of eminent domain under state law may exercise that power to acquire the qualifying project in the event of a material default by the contracting person. Any person who has provided financing for the qualifying project, and the contracting person to the extent of its capital investment, may participate in the eminent domain proceedings with the standing of a property owner.

(c) The responsible governmental entity may terminate, with cause, any applicable interim or comprehensive agreement and exercise any other rights and remedies available to the governmental entity at law or in equity.

(d) The responsible governmental entity may make any appropriate claim under the letters of credit or other security or the performance and payment bonds required by Section 2267.058(a)(1).

(e) If the responsible governmental entity elects to assume the responsibilities and duties for a qualifying project under Subsection (a), the responsible governmental entity may:

(1) develop or operate the qualifying project;

(2) impose user fees;

(3) impose and collect lease payments for the use of the project; and

(4) comply with any applicable contract to provide services.

(f) The responsible governmental entity shall collect and pay to secured parties any revenue subject to a lien to the extent necessary to satisfy the contracting person's obligations to secured parties, including the maintenance of reserves. The liens shall be correspondingly reduced and, when paid off, released.

(g) Before any payment is made to or for the benefit of a secured party, the responsible governmental entity may use revenue to pay the current operation and maintenance costs of the qualifying project, including compensation to the responsible governmental entity for its services in operating and maintaining the qualifying project. The right to receive any payment is considered just compensation for the qualifying project.

(h) The full faith and credit of the responsible governmental entity may not be pledged to secure any financing of the contracting person that was assumed by the governmental entity when the governmental entity assumed responsibility for the qualifying project.

Sec. 2267.062. EMINENT DOMAIN. (a) At the request of the contracting person, the responsible governmental entity may exercise any power of eminent domain that it has under law to acquire any land or property interest to the extent that the responsible governmental entity dedicates the land or property interest to public use and finds that the action serves the public purpose of this chapter.

(b) Any amounts to be paid in any eminent domain proceeding shall be paid by the contracting person.

Sec. 2267.063. AFFECTED FACILITY OWNER. (a) The contracting person and each facility owner, including a public utility, a public service company, or a cable television provider, whose facilities will be affected by a qualifying project shall cooperate fully in planning and arranging the manner in which the facilities will be affected.

(b) The contracting person and responsible governmental entity shall ensure that a facility owner whose facility will be affected by a qualifying project does not suffer a disruption of service as a result of the construction or improvement of the qualifying project.

(c) A governmental entity possessing the power of eminent domain may exercise that power in connection with the relocation of facilities affected by the qualifying project or facilities that must be relocated to the extent that the relocation is necessary or desirable by construction of, renovation to, or improvements to the qualifying project, which includes construction of, renovation to, or improvements to temporary facilities to provide service during the period of construction or improvement. The governmental entity shall exercise its power of eminent domain to the extent required to ensure an affected facility owner does not suffer a disruption of service as a result of the construction or improvement of the qualifying project during the construction or improvement or after the qualifying project is completed or improved.

(d) The contracting person shall pay any amount owed for the crossing, constructing, or relocating of facilities.

Sec. 2267.064. POLICE POWERS; VIOLATIONS OF LAW. A peace officer of this state or of any affected jurisdiction has the same powers and jurisdiction within the area of the qualifying project as the officer has in the officer's area of jurisdiction. The officer may access the qualifying project at any time to exercise the officer's powers and jurisdiction.

Sec. 2267.065. PROCUREMENT GUIDELINES. (a) Chapters 2155, 2156, and 2166, any interpretations, rules, or guidelines of the comptroller and the Texas Facilities Commission, and interpretations, rules, or guidelines developed under Chapter 2262 do not apply to a qualifying project under this chapter.

(b) A responsible governmental entity may enter into a comprehensive agreement only in accordance with guidelines that require the contracting person to design and construct the qualifying project in accordance with procedures that do not materially conflict with those specified in:

(1) Section 2166.2531;

(2) Section 44.036, Education Code;

(3) Section 271.119, Local Government Code; or

(4) Subchapter J, Chapter 271, Local Government Code, for civil works projects as defined by 271.181(2), Local Government Code.

(c) This chapter does not authorize a responsible governmental entity or a contracting person to obtain professional services through any process except in accordance with Subchapter A, Chapter 2254.

(d) Identified team members, including the architect, engineer, or builder, may not be substituted or replaced once a project is approved and an interim or comprehensive agreement is executed without the written approval of the responsible governmental entity.

Sec. 2267.066. POSTING OF PROPOSALS; PUBLIC COMMENT; PUBLIC ACCESS TO PROCUREMENT RECORDS. (a) Not later than the 10th day after the date a responsible governmental entity accepts a proposal submitted in accordance with Section 2267.053(a) or (b), the responsible governmental entity shall provide notice of the proposal as follows:

(1) for a responsible governmental entity described by Section 2267.001(5)(A), by posting the proposal on the entity's Internet website; and

(2) for a responsible governmental entity described by Section 2267.001(5)(B), by:

(A) posting a copy of the proposal on the entity's Internet website; or

(B) publishing in a newspaper of general circulation in the area in which the qualifying project is to be performed a summary of the proposal and the location where copies of the proposal are available for public inspection.

(b) The responsible governmental entity shall make available for public inspection at least one copy of the proposal. This section does not prohibit the responsible governmental entity from posting the proposal in another manner considered appropriate by the responsible governmental entity to provide maximum notice to the public of the opportunity to inspect the proposal.

(c) Trade secrets, financial records, or other records of the contracting person excluded from disclosure under Section 552.101 may not be posted or made available for public inspection except as otherwise agreed to by the responsible governmental entity and the contracting person.

(d) The responsible governmental entity shall hold a public hearing on the proposal during the proposal review process not later than the 30th day before the date the entity enters into an interim or comprehensive agreement.

(e) On completion of the negotiation phase for the development of an interim or comprehensive agreement and before an interim agreement or comprehensive agreement is entered into, a responsible governmental entity must make available the proposed agreement in a manner provided by Subsection (a) or (b).

(f) A responsible governmental entity that has entered into an interim agreement or comprehensive agreement shall make procurement records available for public inspection on request. For purposes of this subsection, procurement records do not include the trade secrets of the contracting person or financial records, including balance sheets or financial statements of the contracting person, that are not generally available to the public through regulatory disclosure or other means.

(g) Cost estimates relating to a proposed procurement transaction prepared by or for a responsible governmental entity are not open to public inspection.

(h) Any inspection of procurement transaction records under this section is subject to reasonable restrictions to ensure the security and integrity of the records.

(i) This section applies to any accepted proposal regardless of whether the process of bargaining results in an interim or comprehensive agreement.

CHAPTER 2268. PARTNERSHIP ADVISORY COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2268.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Partnership Advisory Commission.

(2) "Comprehensive agreement" has the meaning assigned by Section 2267.001.

(3) "Detailed proposal" means a proposal for a qualifying project accepted by a responsible governmental entity beyond a conceptual level of review that defines and establishes periods related to fixing costs, payment schedules, financing, deliverables, and project schedule.

(4) "Interim agreement" has the meaning assigned by Section 2267.001.

(5) "Qualifying project" has the meaning assigned by Section 2267.001.

(6) "Responsible governmental entity" has the meaning assigned by Section 2267.001.

Sec. 2268.002. APPLICABILITY. This chapter applies only to responsible governmental entities described by Section 2267.001(5)(A).

[Sections 2268.003-2268.050 reserved for expansion]

SUBCHAPTER B. COMMISSION

Sec. 2268.051. ESTABLISHMENT OF COMMISSION. The Partnership Advisory Commission is an advisory commission in the legislative branch that advises responsible governmental entities described by Section 2267.001(5)(A) on proposals received under Chapter 2267.

Sec. 2268.052. COMPOSITION AND TERMS. (a) The commission consists of the following 11 members:

(1) the chair of the House Appropriations Committee or the chair's designee;

(2) three representatives appointed by the speaker of the house of representatives;

(3) the chair of the Senate Finance Committee or the chair's designee;

(4) three senators appointed by the lieutenant governor; and

(5) three representatives of the executive branch, appointed by the governor.

(b) The legislative members serve on the commission until the expiration of their terms of office or until their successors qualify.

(c) The members appointed by the governor serve at the will of the governor.

Sec. 2268.053. PRESIDING OFFICER. The members of the commission shall elect from among the legislative members a presiding officer and an assistant presiding officer to serve two-year terms.

Sec. 2268.054. COMPENSATION; REIMBURSEMENT. A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for all reasonable and necessary expenses incurred in performing duties as a member.

Sec. 2268.055. MEETINGS. The commission shall hold meetings quarterly or on the call of the presiding officer.

Sec. 2268.056. ADMINISTRATIVE, LEGAL, RESEARCH, TECHNICAL, AND OTHER SUPPORT. (a) The legislative body that the presiding officer serves shall provide administrative staff support for the commission.

(b) The Texas Legislative Council shall provide legal, research, and policy analysis services to the commission.

(c) The staffs of the House Appropriations Committee, Senate Finance Committee, and comptroller shall provide technical assistance.

(d) The comptroller or a state agency shall provide additional assistance as needed.

Sec. 2268.057. COMMISSION PROCEEDINGS. A copy of the proceedings of the commission shall be filed with the legislative body that the presiding officer serves.

Sec. 2268.058. SUBMISSION OF DETAILED PROPOSALS FOR QUALIFYING PROJECTS; EXEMPTION; COMMISSION REVIEW. (a) Before beginning to negotiate an interim or comprehensive agreement, each responsible governmental entity receiving a detailed proposal for a qualifying project must provide copies of the proposal to:

(1) the presiding officer of the commission; and

(2) the chairs of the House Appropriations Committee and Senate Finance Committee or their designees.

(b) The following qualifying projects are not subject to review by the commission:

(1) any proposed qualifying project with a total cost of less than \$5 million;
and

(2) any proposed qualifying project with a total cost of more than \$5 million but less than \$50 million for which money has been specifically appropriated as a public-private partnership in the General Appropriations Act.

(c) The commission may undertake additional reviews of any qualifying project that will be completed in phases and for which an appropriation has not been made for any phase other than the current phase of the project.

(d) Not later than the 10th day after the date the commission receives a complete copy of the detailed proposal for a qualifying project, the commission shall determine whether to accept or decline the proposal for review and notify the responsible governmental entity of the commission's decision.

(e) If the commission accepts a proposal for review, the commission shall provide its findings and recommendations to the responsible governmental entity not later than the 45th day after the date the commission receives complete copies of the detailed proposal. If the commission does not provide its findings or recommendations to the responsible governmental entity by that date, the commission is considered to have declined review of the proposal and to not have made any findings or recommendations on the proposal.

(f) The responsible governmental entity on request of the commission shall provide any additional information regarding a qualifying project reviewed by the commission if the information is available to or can be obtained by the responsible governmental entity.

(g) The commission shall review accepted detailed proposals and provide findings and recommendations to the responsible governmental entity that include:

(1) a determination on whether the terms of the proposal and proposed qualifying project create state tax-supported debt, taking into consideration the specific findings of the comptroller with respect to the recommendation;

(2) an analysis of the potential financial impact of the qualifying project;

(3) a review of the policy aspects of the detailed proposal and the qualifying project; and

(4) proposed general business terms.

(h) Review by the commission does not constitute approval of any appropriations necessary to implement a subsequent interim or comprehensive agreement.

(i) Except as provided by Subsection (e), the responsible governmental entity may not begin negotiation of an interim or comprehensive agreement until the commission has submitted its recommendations or declined to accept the detailed proposals for review.

(j) Not later than the 30th day before the date a comprehensive or interim agreement is executed, the responsible governmental entity shall submit to the commission and the chairs of the House Appropriations Committee and Senate Finance Committee or their designees:

(1) a copy of the proposed interim or comprehensive agreement; and

(2) a report describing the extent to which the commission's recommendations were addressed in the proposed interim or comprehensive agreement.

Sec. 2268.059. CONFIDENTIALITY OF CERTAIN RECORDS SUBMITTED TO COMMISSION. Records and information afforded protection under Section 552.153 that are provided by a responsible governmental entity to the commission shall continue to be protected from disclosure when in the possession of the commission.

SECTION ____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.153 to read as follows:

Sec. 552.153. PROPRIETARY RECORDS AND TRADE SECRETS INVOLVED IN CERTAIN PARTNERSHIPS. (a) In this section, "affected jurisdiction," "comprehensive agreement," "contracting person," "interim agreement," "qualifying project," and "responsible governmental entity" have the meanings assigned those terms by Section 2267.001.

(b) Information in the custody of a responsible governmental entity that relates to a proposal for a qualifying project authorized under Chapter 2267 is excepted from the requirements of Section 552.021 if:

(1) the information consists of memoranda, staff evaluations, or other records prepared by the responsible governmental entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under Chapter 2267 for which:

(A) disclosure to the public before or after the execution of an interim or comprehensive agreement would adversely affect the financial interest or bargaining position of the responsible governmental entity; and

(B) the basis for the determination under Paragraph (A) is documented in writing by the responsible governmental entity; or

(2) the records are provided by a contracting person to a responsible governmental entity or affected jurisdiction under Chapter 2267 and contain:

(A) trade secrets of the contracting person;

(B) financial records of the contracting person, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or other means; or

(C) other information submitted by the contracting person that, if made public before the execution of an interim or comprehensive agreement, would adversely affect the financial interest or bargaining position of the responsible governmental entity or the person.

(c) Except as specifically provided by Subsection (b), this section does not authorize the withholding of information concerning:

(1) the terms of any interim or comprehensive agreement, service contract, lease, partnership, or agreement of any kind entered into by the responsible governmental entity and the contracting person or the terms of any financing arrangement that involves the use of any public money; or

(2) the performance of any person developing or operating a qualifying project under Chapter 2267.

The amendment to **HB 2729** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Nichols.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2729 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2729 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2729** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 2604 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2604** at this time on its second reading:

CSHB 2604, Relating to unencumbered assets held by title agents.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 2604 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2604** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2080 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **HB 2080** at this time on its second reading:

HB 2080, Relating to certification of a person as eligible for disabled parking privileges.

The motion prevailed.

Senators Harris and Wentworth asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Harris, Wentworth.

HOUSE BILL 2080 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2080** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Wentworth.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

GUEST PRESENTED

Senator Gallegos was recognized and introduced to the Senate his sister, Lillian Gallegos Villarreal.

The Senate welcomed its guest.

(President Pro Tempore Ogden in Chair)

HOUSE BILL 886 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 886** at this time on its second reading:

HB 886, Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 886 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 886** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1610 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSHB 1610** at this time on its second reading:

CSHB 1610, Relating to employment termination procedures applicable to a teacher who is convicted of or receives deferred adjudication for a felony.

The motion prevailed.

Senators Davis, Ellis, Gallegos, Lucio, Van de Putte, and Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1610** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ Sections 21.12(a) and (b-1), Penal Code, are amended to read as follows:

(a) An employee of a public or private primary or secondary school commits an offense if the employee:

(1) engages in[~~g~~]:

[~~(1)~~] sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works; [~~or~~]

(2) holds a certificate or permit issued as provided by Subchapter B, Chapter 21, Education Code, or is a person who is required to be licensed by a state agency as provided by Section 21.003(b), Education Code, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is:

(A) enrolled in a public primary or secondary school in the same school district as the school at which the employee works; or

(B) a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if:

(i) students enrolled in a public or private primary or secondary school are the primary participants in the activity; and

(ii) the employee provides education services to those participants;

or

(3) engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.

(b-1) It is an affirmative defense to prosecution under this section that:

(1) the actor was the spouse of the enrolled person at the time of the offense;

or

(2) the actor was not more than three years older than the enrolled person and, at the time of the offense, the actor and the enrolled person were in a relationship that began before the actor's employment at a public or private primary or secondary school.

SECTION ____. Section 21.006, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A superintendent or director of a school district shall complete an investigation of an educator that is based on reasonable cause to believe the educator may have engaged in misconduct described by Subsection (b)(2)(A), despite the educator's resignation from district employment before completion of the investigation.

SECTION ____. Section 21.006(b-1), Education Code, as added by this Act, applies to an investigation of possible public school educator misconduct begun on or after the effective date of this Act, regardless of whether the alleged misconduct occurred before, on, or after the effective date of this Act.

SECTION ____. The change in law made by this Act to Section 21.12, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

The amendment to **CSHB 1610** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1610** as follows:

In subsection (c-1), on page 1, lines 44-45, strike "or received deferred adjudication for" and on line 45 after words "felony offense" insert the phrase "related to the performance of the person's employment duties".

The amendment to **CSHB 1610** was read.

On motion of Senator Patrick, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1610 as amended was passed to third reading by the following vote: Yeas 22, Nays 9.

- SB 247** Shapiro Sponsor: Hochberg
Relating to the authority of the Texas Holocaust and Genocide Commission to participate in the establishment and operation of an affiliated nonprofit organization and provide grants.
- SB 256** Nelson Sponsor: King, Susan
Relating to requiring a private autopsy facility to post a notice for filing a complaint against a physician; providing a penalty.
- SB 258** Hegar Sponsor: Zerwas
Relating to the pledge of allegiance to the state flag during a state flag retirement ceremony.
- SB 264** Zaffirini Sponsor: Guillen
Relating to certain information provided by local workforce development boards regarding certain child-care providers.
- SB 310** Seliger Sponsor: Smithee
Relating to the Dallam-Hartley Counties Hospital District.
- SB 311** Seliger Sponsor: Chisum
Relating to the authority of the board of directors of the Ochiltree County Hospital District to employ physicians and other health care providers.
- SB 315** Carona Sponsor: Madden
Relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and criminal street gangs.
- SB 387** Williams Sponsor: Eiland
Relating to the sale and consumption in this state of raw oysters harvested from Texas waters.
- SB 400** Shapiro Sponsor: Hopson
Relating to the entities eligible to make purchases using the cooperative purchasing program administered by the comptroller.
- SB 402** West Sponsor: Oliveira
Relating to community land trusts.
- SB 419** West Sponsor: Patrick, Diane
Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.
- SB 431** Jackson Sponsor: Smith, Wayne
Relating to the use of fraudulent or fictitious military records; creating an offense.
- SB 432** Jackson Sponsor: Bonnen
Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.
- SB 436** Nelson Sponsor: Naishtat
Relating to the authority of a county to inspect day-care centers and group day-care homes.
- SB 514** Birdwell Sponsor: Anderson, Charles "Doc"
Relating to the acquisition of land and facilities by the Texas State Technical College System.

- SB 520** Hegar Sponsor: Zerwas
Relating to the creation, administration, powers, and duties of a county assistance district.
- SB 540** Van de Putte Sponsor: Gonzalez, Naomi
Relating to a study of the fiscal impact of adjusting the amount of the ad valorem tax exemption to which disabled veterans and the surviving spouses and children of disabled veterans and certain members of the armed forces are entitled.
- SB 545** Seliger Sponsor: Driver
Relating to employment records for law enforcement officers, including procedures to correct employment termination reports; providing an administrative penalty.
- SB 558** Duncan Sponsor: Chisum
Relating to the Swisher Memorial Hospital District.
- SB 601** Rodriguez Sponsor: Gonzalez, Naomi
Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.
- SB 794** Nelson Sponsor: King, Susan
Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.
- SB 795** Nelson Sponsor: Naishtat
Relating to regulation of nurse aides.
- SB 813** Gallegos Sponsor: Smith, Wayne
Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 822** Watson Sponsor: Zerwas
Relating to expedited credentialing of certain physicians by managed care plans.
- SB 860** Rodriguez Sponsor: Gonzalez, Naomi
Relating to the authority of the El Paso County Hospital District to appoint, contract for, or employ physicians, dentists, and other health care providers.
- SB 882** Whitmire Sponsor: Madden
Relating to the filing of a copy of certain records related to the release of accused persons on personal bond.
- SB 896** Estes Sponsor: Laubenberg
Relating to the issuance of specialty license plates to certain family members of a person who dies while serving in the United States armed forces.
- SB 910** Lucio Sponsor: Lozano
Relating to certain state attorneys called into active duty military service.
- SB 953** Whitmire Sponsor: Madden
Relating to the conditions for granting an occupational license to certain persons, the monitoring of those persons by a local community supervision and corrections department, and the fees associated with department services.
- SB 992** Lucio Sponsor: Lucio III
Relating to the allocation of loans made under the owner-builder loan program.

- SB 1047** Jackson Sponsor: Davis, John
Relating to the eligibility of an innovation and commercialization organization associated with the Lyndon B. Johnson Space Center to receive funding from the Texas emerging technology fund.
- SB 1057** Wentworth Sponsor: Harper-Brown
Relating to the transfer of certain vehicle registrations at the time of sale of the vehicle.
- SB 1154** Uresti Sponsor: McClendon
Relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare.
- SB 1187** Watson Sponsor: Hartnett
Relating to the effect of indexing notices of lis pendens.
- SB 1208** Whitmire Sponsor: Madden
Relating to the age until which juveniles placed on determinate sentence probation may be on probation.
- SB 1248** Lucio Sponsor: Lucio III
Relating to the designation of a portion of State Highway 499 as the Colonel Bill Card Boulevard.
- SB 1295** Hegar Sponsor: Beck
Relating to the mining and reclamation of certain land previously affected by surface coal mining operations.
- SB 1311** Lucio Sponsor: Lozano
Relating to the designation of certain highways as part of the Purple Heart Trail.
- SB 1352** Watson Sponsor: Naishtat
Relating to the lease of property or hospital facilities by certain hospital districts.
- SB 1410** Duncan Sponsor: Patrick, Diane
Relating to reporting student enrollment in tech-prep programs and evaluating tech-prep consortia.
- SB 1414** Duncan Sponsor: Eiland
Relating to sexual abuse and child molestation training and examination for employees of certain programs for minors held on campuses of institutions of higher education; providing penalties.
- SB 1578** Williams Sponsor: Deshotel
Relating to the addition of a county to a freight rail district.
- SB 1598** Carona Sponsor: Smithee
Relating to the inspection of portable fire extinguishers.
- SB 1660** Lucio Sponsor: Alvarado
Relating to certain unclaimed property of veterans and veterans' families.
- SB 1667** Duncan Sponsor: Truitt
Relating to the administration of and benefits payable by the Teacher Retirement System of Texas and to certain domestic relations orders.
- SB 1668** Duncan Sponsor: Truitt
Relating to purchase of service credit in the Teacher Retirement System of Texas.

SB 1669 Duncan Sponsor: Truitt
Relating to the resumption of service by retirees under the Teacher Retirement System of Texas.

SB 1687 Ellis Sponsor: Coleman
Relating to information on turnover among licensed jailers at jails under the jurisdiction of the Commission on Jail Standards.

SB 1692 Lucio Sponsor: Alvarado
Relating to municipal and county budgets on the Internet.

SB 1719 Williams Sponsor: Fletcher
Relating to certain comprehensive development agreements of the Texas Department of Transportation.

SB 1755 Van de Putte Sponsor: Smith, Wayne
Relating to the issuance of certain specialty license plates.

SB 1831 Wentworth Sponsor: Miller, Doug
Relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 159 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 159** at this time on its second reading:

HB 159, Relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

The motion prevailed.

Senators Birdwell, Nelson, Ogden, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Nelson, Ogden, Shapiro.

HOUSE BILL 159 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 159** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nelson, Ogden, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

HOUSE BILL 1469 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1469** at this time on its second reading:

HB 1469, Relating to exempting certain fraternal and veterans organizations from certain bond requirements to obtain an alcoholic beverage permit or license.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1469 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1469** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

HOUSE BILL 1315 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1315** at this time on its second reading:

CSHB 1315, Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE

HOUSE BILL 1315 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1315** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1610 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1610** be placed on its third reading and final passage:

CSHB 1610, Relating to employment termination procedures applicable to a teacher who is convicted of or receives deferred adjudication for a felony.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Davis, Ellis, Lucio, Rodriguez, Van de Putte, West.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Davis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West.

HOUSE BILL 254 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **HB 254** at this time on its second reading:

HB 254, Relating to establishing the Texas Derbies.

The motion prevailed.

Senators Huffman and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 254** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 9A.003, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), immediately following Subsection (d) (page 2, between lines 16-17), insert the following:

(e) The commission may not:

(1) use funds from the Accredited Texas-bred program under Article 9 of this Act or the escrowed purse account under Section 6.091(e) of this Act to fund the Texas Derby escrow purse fund; or

(2) order a breed registry to fund a purse for a Texas Derby, make contributions to the Texas Derby escrow purse fund, or pay the expenses of a Texas Derby race.

(2) In SECTION 1 of the bill, in added Section 9A.003, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), reletter the subsequent subsections accordingly (page 1, line 17).

The amendment to **HB 254** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 254 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Huffman, Patrick.

HOUSE BILL 254 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 254** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, Patrick.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 2507 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 2507** at this time on its second reading:

HB 2507, Relating to the offense of installing an irrigation system without a license.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Patrick.

HOUSE BILL 2507 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2507** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1193 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1193** at this time on its second reading:

CSSB 1193, Relating to coordination of services provided by Medicaid managed care organizations and certain community centers and local mental health or mental retardation authorities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1193 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1193** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills today:

HB 971, HB 2643, HB 3117.

RECESS

On motion of Senator Whitmire, the Senate at 1:41 p.m. recessed until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:07 p.m. and was called to order by Senator Eltife.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Saturday, May 21, 2011 - 3
(Revised Message)

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

- HB 8** (142 Yeas, 1 Nays, 2 Present, not voting)
- HB 92** (138 Yeas, 1 Nays, 2 Present, not voting)
- HB 240** (140 Yeas, 1 Nays, 2 Present, not voting)
- HB 252** (136 Yeas, 0 Nays, 3 Present, not voting)
- HB 350** (140 Yeas, 0 Nays, 2 Present, not voting)
- HB 417** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 1057** (138 Yeas, 2 Nays, 2 Present, not voting)
- HB 1127** (138 Yeas, 0 Nays, 2 Present, not voting)
- HB 1573** (140 Yeas, 0 Nays, 2 Present, not voting)
- HB 1814** (143 Yeas, 0 Nays, 2 Present, not voting)
- HB 1899** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 2476** (141 Yeas, 0 Nays, 3 Present, not voting)
- HB 2488** (141 Yeas, 0 Nays, 2 Present, not voting)
- HB 2609** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 2716** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 2907** (142 Yeas, 0 Nays, 2 Present, not voting)
- HB 2959** (139 Yeas, 0 Nays, 2 Present, not voting)
- HB 2973** (141 Yeas, 0 Nays, 2 Present, not voting)
- HB 3342** (141 Yeas, 0 Nays, 2 Present, not voting)
- HB 3372** (139 Yeas, 0 Nays, 2 Present, not voting)

HB 3510 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 3531 (142 Yeas, 0 Nays, 2 Present, not voting)

HJR 130 (141 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 200 (non-record vote)

House Conferees with Instructions: Parker - Chair/Madden/Marquez/Perry/White

HB 2457 (non-record vote)

House Conferees: Davis, John - Chair/Murphy/Pena/Reynolds/Strama

HB 3302 (non-record vote)

House Conferees: Reynolds - Chair/Anderson, Rodney/Miles/Murphy/Vo

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 725 ON SECOND READING**

The Presiding Officer laid before the Senate **CSHB 725** sponsored by Senator Fraser on its second reading. The bill had been read second time, amended, a point of order raised, and further consideration postponed:

CSHB 725, Relating to the operation, powers, and duties of certain water districts.

Question — Shall the point of order on Floor Amendment No. 3 to **CSHB 725** be sustained?

Senator Hegar withdrew the point of order.

Senator Fraser withdrew Floor Amendment No. 3.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 725** by adding the following SECTIONS and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 13.254, Water Code, is amended by amending Subsections (a) and (a-2) and adding Subsections (a-5) and (a-6) to read as follows:

(a) The commission at any time after notice and hearing may~~], on its own motion or on receipt of a petition described by Subsection (a-1);~~ revoke or amend any certificate of public convenience and necessity with the written consent of the certificate holder or if it finds that:

(1) the certificate holder has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the area, or part of the area, covered by the certificate;

(2) in an affected county as defined in Section 16.341, the cost of providing service by the certificate holder is so prohibitively expensive as to constitute denial of service, provided that, for commercial developments or for residential developments started after September 1, 1997, in an affected county as defined in Section 16.341, the fact that the cost of obtaining service from the currently certificated retail public utility makes the development economically unfeasible does not render such cost prohibitively expensive in the absence of other relevant factors;

(3) the certificate holder has agreed in writing to allow another retail public utility to provide service within its service area, except for an interim period, without amending its certificate; or

(4) the certificate holder has failed to file a cease and desist action pursuant to Section 13.252 within 180 days of the date that it became aware that another retail public utility was providing service within its service area, unless the certificate holder demonstrates good cause for its failure to file such action within the 180 days.

(a-2) A landowner is not entitled to make the election described in Subsection (a-1) or (a-5) but is entitled to contest under Subsection (a) the involuntary certification of its property in a hearing held by the commission if the landowner's property is located:

(1) within the boundaries of any municipality or the extraterritorial jurisdiction of a municipality with a population of more than 500,000 and the municipality or retail public utility owned by the municipality is the holder of the certificate; or

(2) in a platted subdivision actually receiving water or sewer service.

(a-5) As an alternative to decertification under Subsection (a) and expedited release under Subsection (a-1), the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a certificate of public convenience and necessity and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000.

(a-6) The commission shall grant a petition received under Subsection (a-5) not later than the 60th day after the date the landowner files the petition. The commission may not deny a petition received under Subsection (a-5) based on the fact that a certificate holder is a borrower under a federal loan program. The commission may require an award of compensation by the petitioner to a decertified retail public utility that is the subject of a petition filed under Subsection (a-5) as otherwise provided by this section.

The amendment to **CSHB 725** was read and was adopted by the following vote: Yeas 18, Nays 11.

Yeas: Birdwell, Carona, Davis, Eltife, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro, Watson, Wentworth, Williams.

Nays: Deuell, Ellis, Estes, Hinojosa, Lucio, Rodriguez, Seliger, Uresti, Van de Putte, Whitmire, Zaffirini.

Absent: Duncan, West.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 725** (senate committee printing) as follows:

(1) Before SECTION 1 of the bill, between the enacting clause and "SECTION 1." (page 1, between lines 12 and 13), insert the following:

ARTICLE 1. GENERAL PROVISIONS

(2) Renumber the SECTIONS of ARTICLE 1 (page 1, line 13, through page 14, line 1) appropriately.

(3) In SECTION 39 of the bill (page 13, line 63), strike "Act" and substitute "article".

(4) In SECTION 40 of the bill (page 13, line 65), strike "this Act" and substitute "this article".

(5) In SECTION 40 of the bill (page 13, line 67), strike "this Act, take" and substitute "this article, take".

(6) After SECTION 40 of the bill (page 14, line 2), add the following appropriately numbered ARTICLES and SECTIONS:

ARTICLE ____ . IMPERIAL REDEVELOPMENT DISTRICT

SECTION ____ .01. Section 8150.001, Special District Local Laws Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "County" means Fort Bend County, Texas.

SECTION ____ .02. Section 8150.002, Special District Local Laws Code, is amended to read as follows:

Sec. 8150.002. NATURE OF DISTRICT. The district is a municipal utility district in Fort Bend County created under Section 59, Article XVI, Texas Constitution, and is essential to accomplish the purposes of Sections [Section] 52 and 52-a, Article III, Section 1-g, Article VIII, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

SECTION ____ .03. Subchapter A, Chapter 8150, Special District Local Laws Code, is amended by adding Section 8150.0025 to read as follows:

Sec. 8150.0025. DECLARATION OF INTENT. (a) By creating the district and in authorizing the city, the county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or the county from providing services to the area in the district. The district is created to supplement and not to supplant city and county services provided in the district.

SECTION ____ .04. Section 8150.003, Special District Local Laws Code, is amended to read as follows:

Sec. 8150.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections [Section] 52 and 52-a, Article III, Section 1-g, Article VIII, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created for the ~~[same]~~ purposes of ~~[as]~~:

(1) a municipal utility district as provided by Section 54.012, Water Code;

(2) ~~[a road utility district created under]~~ Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements in aid of those roads, including drainage improvements [and operating under Chapter 441, Transportation Code, including the purpose of constructing, acquiring, improving, maintaining, and operating roads and road facilities]; and

(3) the purchase, construction, acquisition, ownership, improvement, maintenance, and operation of the public works and public improvements authorized for a tax increment reinvestment zone operating under Chapter 311, Tax Code, and a municipal management district operating under Chapter 375, Local Government Code.

(c) The district is created to serve a public use and benefit.

(d) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

SECTION __.05. Subchapter A, Chapter 8150, Special District Local Laws Code, is amended by adding Section 8150.0035 to read as follows:

Sec. 8150.0035. FINDING ON SPORTS AND COMMUNITY VENUES. A sports and community venue facility is considered to be a park and recreational facility.

SECTION __.06. Subchapter C, Chapter 8150, Special District Local Laws Code, is amended by adding Sections 8150.1025, 8150.105, 8150.106, 8150.107, 8150.108, 8150.109, and 8150.110 to read as follows:

Sec. 8150.1025. MUNICIPAL MANAGEMENT DISTRICT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement, improvement project, or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement, improvement project, or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 8150.105. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 8150.106. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 8150.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 8150.108. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality; and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 8150.109. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 8150.110. SPORTS AND COMMUNITY VENUE FACILITIES. (a) The district may acquire, sell, lease as lessor or lessee, convey, construct, finance, develop, own, operate, maintain, acquire real property interests for, demolish, or reconstruct a sports and community venue facility.

(b) A sports and community venue facility authorized under this section includes:

(1) an arena, coliseum, stadium, or other type of area or facility that is used or is planned for use for one or more professional or amateur sports events, community events, other sports events, promotional events, and other civic or charitable events;

(2) a convention center facility or related improvement such as a convention center, civic center, civic center building, civic center hotel, auditorium, theater, opera house, music hall, exhibition hall, rehearsal hall, park, performing arts center, museum, aquarium, or plaza that is located in the vicinity of a convention center or facility owned by a municipality or a county; and

(3) a facility related to a sports and community venue facility, including a store, restaurant, on-site hotel, concession, or other on-site or off-site improvement that relates to and enhances the use, value, or appeal of a sports and community venue, including an area adjacent to the venue, and any other expenditure reasonably necessary to construct, improve, renovate, or expand a venue, including an expenditure for environmental remediation.

SECTION __.07. Section 8150.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8150.151. ROAD PROJECTS. (a) As authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate, inside and outside the district, roads and road improvements [~~facilities as defined by Chapter 441, Transportation Code~~].

(b) The roads and road improvements [~~facilities~~] authorized by Subsection (a) may include drainage, landscaping, pedestrian improvements, lights, signs, or signals that are incidental to the roads and their construction, maintenance, or operation.

(c) The roads and road improvements [~~facilities~~] authorized by this section must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the city.

(d) On completion of a road or road improvement ~~[facility]~~ authorized by this section, the district, with the consent of the city, may convey the road or road improvement ~~[facility]~~ to the city if the conveyance is free of all indebtedness of the district. If the city becomes the owner of a road or road improvement ~~[facility]~~, the city is responsible for all future maintenance and upkeep and the district has no further responsibility for the road or road improvement ~~[facility]~~ or its maintenance or upkeep, unless otherwise agreed to by the district and the city.

SECTION __.08. Section 8150.153, Special District Local Laws Code, is amended to read as follows:

Sec. 8150.153. REIMBURSEMENT FOR ROAD PROJECT. (a) The district may:

(1) reimburse a private person for money spent to construct a road or road improvement ~~[facility]~~ that is dedicated or otherwise transferred to public use; or

(2) purchase a road or road improvement ~~[facility]~~ constructed by a private person.

(b) The amount paid for the reimbursement or for the purchase of a road or road improvement ~~[facility]~~ under Subsection (a) may:

(1) include all construction costs, including engineering, legal, financing, and other expenses incident to the construction; or

(2) be at a price not to exceed the replacement cost of the road or road improvement ~~[facility]~~ as determined by the board.

(c) The reimbursement or purchase of a road or road improvement ~~[facility]~~ may be paid for with proceeds from the sale of the district's bonds or from any other money available to the district.

(d) The district may enter into an agreement to use the proceeds of a subsequent bond sale to reimburse a private person under this section. The agreement may provide the terms and conditions under which the road or road improvement ~~[facility]~~ is to be dedicated or transferred for the benefit of the public.

SECTION __.09. Subsection (a), Section 8150.201, Special District Local Laws Code, is amended to read as follows:

(a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue ~~[or contract payments]~~ from any source other than ad valorem taxation; or

(2) contract payments described by Section 8150.203.

SECTION __.010. The heading to Section 8150.202, Special District Local Laws Code, is amended to read as follows:

Sec. 8150.202. OPERATION AND MAINTENANCE ~~[AD VALOREM]~~ TAX.

SECTION __.011. Section 8150.202, Special District Local Laws Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) If authorized by a majority of the district voters voting at an election held for that purpose ~~[under Section 8150.201]~~, the district may impose an operation and maintenance ~~[annual ad valorem]~~ tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

(1) operate and maintain the district;

(2) construct or acquire improvements; and

~~(3) provide a service [for the provision of services or for the maintenance and operation of the district, including the improvements constructed or acquired by the district].~~

~~(c) Section 49.107(h), Water Code, does not apply to the district.~~

~~SECTION ____012. Subchapter E, Chapter 8150, Special District Local Laws Code, is amended by adding Sections 8150.203, 8150.204, 8150.205, 8150.206, 8150.207, and 8150.208 to read as follows:~~

~~Sec. 8150.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.~~

~~(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.~~

~~Sec. 8150.204. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.~~

~~Sec. 8150.205. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.~~

~~(b) The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.~~

~~Sec. 8150.206. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.~~

~~Sec. 8150.207. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment under Subchapter F, Chapter 375, Local Government Code, for any purpose authorized by this chapter or Chapter 375, Local Government Code, in all or any part of the district.~~

~~(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:~~

~~(1) are a first and prior lien against the property assessed;~~

~~(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and~~

~~(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.~~

~~(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.~~

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 8150.208. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

SECTION __.013. Section 8150.251, Special District Local Laws Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.4645, Water Code, does not apply to the district.

SECTION __.014. Section 8150.252, Special District Local Laws Code, is amended to read as follows:

Sec. 8150.252. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time the district issues bonds ~~[or other obligations]~~ payable wholly or partly from ad valorem taxes, ~~[are issued]~~:

~~[(1)]~~ the board shall provide for the annual imposition of ~~[impose]~~ a continuing direct annual ad valorem tax, without limit as to rate or amount, while ~~[for each year that]~~ all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code~~]; and~~

~~[(2)]~~ the district annually shall impose the continuing direct annual ad valorem tax on all taxable property in the district in an amount sufficient to:

~~[(A)]~~ pay the interest on the bonds or other obligations as the interest becomes due;

~~[(B)]~~ create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date; and

~~[(C)]~~ pay the expenses of imposing the taxes].

SECTION __.015. Subchapter F, Chapter 8150, Special District Local Laws Code, is amended by adding Section 8150.257 to read as follows:

Sec. 8150.257. APPROVAL OF CERTAIN BONDS BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. Section 375.208, Local Government Code, applies to the district.

SECTION __.016. (a) The Imperial Redevelopment District may not exercise a power granted by Section 8150.105, 8150.106, 8150.107, 8150.108, 8150.109, 8150.110, 8150.203, or 8150.208, Special District Local Laws Code, as added by this article, until the governing body of the City of Sugar Land consents to the power by adopting a resolution or ordinance. The governing body may consent to some or all of the sections through the resolution or ordinance. The governing body may not modify a section.

(b) This section does not affect any consent or authorization granted by the City of Sugar Land to the Imperial Redevelopment District before the effective date of this article.

SECTION __.017. This article does not affect bonds or other obligations issued before the effective date of this article. Bonds or other obligations issued before the effective date of this article are governed by the law in effect when the bonds or other obligations were issued, and that law is continued in effect for that purpose.

SECTION __.018. Sections 8150.253, 8150.255, and 8150.256, Special District Local Laws Code, are repealed.

SECTION __.019. (a) The legislature validates and confirms all acts and proceedings of the Board of Directors of the Imperial Redevelopment District that were taken before the effective date of this article.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this article:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

SECTION __.020. (a) The legal notice of the intention to introduce this article, setting forth the general substance of this article, has been published as provided by law, and the notice and a copy of this article have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and this article to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this article with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article have been fulfilled and accomplished.

SECTION __.021. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 725** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.2127 to read as follows:

Sec. 49.2127. WATER MANAGEMENT PLANS FOR CERTAIN SPECIAL WATER AUTHORITIES. (a) In this section:

(1) "Authority" means a special water authority to which this section applies under Subsection (b).

(2) "Firm water" means a supply of stored water that could be supplied without shortage during each year of a simulated repeat of the drought of record, while honoring all senior water rights. During a drought of record, the supply of water for firm water customers has a higher priority than that of interruptible water customers.

(3) "Interruptible water" means a stored supply of water for customers of an authority that must be curtailed before the authority curtails firm water supplies.

(b) This section applies only to a special water authority whose water management plan consists of a reservoir operation plan for the operation of two water supply reservoirs and was:

(1) developed by an applicant for a permit under Chapter 11; and

(2) originally required by a court order adjudicating the water rights for those reservoirs.

(c) An authority's water management plan must:

(1) ensure that adequate firm water supplies are available to meet the existing and projected demands of firm water customers to the extent:

(A) provided by previously adjudicated water rights; and

(B) other supplies are not available to the authority to meet those firm water customer demands; and

(2) provide for curtailing water supplies under interruptible commitments before requesting that firm water customers institute voluntary drought contingency measures.

SECTION _____. A special water authority to which Section 49.2127, Water Code, as added by this Act, applies shall adopt or amend its rules and its water management plan as required to implement Section 49.2127, Water Code, as added by this Act.

The amendment to **CSHB 725** was read.

On motion of Senator Hegar, Floor Amendment No. 6 was tabled by the following vote: Yeas 16, Nays 14.

Yeas: Deuell, Duncan, Ellis, Estes, Gallegos, Hegar, Hinojosa, Huffman, Nichols, Patrick, Rodriguez, Uresti, Van de Putte, Wentworth, Whitmire, Williams.

Nays: Birdwell, Carona, Davis, Eltife, Fraser, Harris, Jackson, Lucio, Nelson, Ogden, Seliger, Shapiro, Watson, Zaffirini.

Absent: West.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 725** (Senate Committee printing) by adding a new appropriately numbered SECTION as follows:

SECTION _____. Subsection (j), Section 13.255, Water Code, is amended as follows:

(j) This section shall apply only in a case where:

(1) the retail public utility that is authorized to serve in the certificated area that is annexed or incorporated by the municipality is a nonprofit water supply or sewer service corporation, a special utility district under Chapter 65, Water Code, a fresh water supply district under Chapter 53 Water Code; or

(2) the retail public utility that is authorized to serve in the certificated area that is annexed or incorporated by the municipality is a retail public utility, other than a nonprofit water supply or sewer service corporation, and whose service area is located entirely within the boundaries of a municipality with a population of 1.7 million or more according to the most recent federal census; or

(3) the retail public utility that is authorized to serve in the certificated area that is annexed or incorporated by the municipality is a retail public utility, other than a nonprofit water supply or sewer service corporation, and the service area to be acquired is located entirely within the boundaries of a municipality with a population of more than 30,000 that is in a county that has population of less than 90,000 and borders Lake Ray Hubbard according to the most recent federal census.

Senator Deuell temporarily withdrew Floor Amendment No. 7.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 725** (Senate Committee Substitute) by Amending Section 36.0151(c), Water Code, in SECTION 7 of the bill by inserting the following between the words "district" and "under" on page 3, line 22:

", before September 1, 2015,"

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 725** by adding the following section to the bill, numbered appropriately:

SECTION _____. Subchapter H, Chapter 49, Water Code, is amended to add Section 49.239 to read as follows:

Sec. 49.239. WATER RATES. (a) In this section "utility" means any person or entity or any combination of persons or entities, other than a district, a water supply corporation that has adopted and is operating in accordance with by-laws or articles of

incorporation which ensure that it is member-owned and member-controlled, or a political subdivision of the state, or their lessees, trustees, and receivers, providing potable water service to a district or to the residents of such district.

(b) Notwithstanding the provisions of any agreement, a district may appeal the rate it is charged by a utility for potable water service by filing a petition with the commission. The commission shall hear the appeal de novo and the utility shall have the burden of proof to establish that the rate is just and reasonable and does not adversely affect the public interest. The commission shall presume that the rate adversely affects the public interest if the rate the utility charges at the time the petition is filed is at least 200 percent higher than the rate charged at any time during the 36-month period before the date of the petition. The commission shall fix the rates to be charged by the utility and the utility may not increase such rates without the approval of the commission.

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9.

Senator Deuell again offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 725** (Senate Committee printing) by adding a new appropriately numbered SECTION as follows:

SECTION _____. Subsection (j), Section 13.255, Water Code, is amended as follows:

(j) This section shall apply only in a case where:

(1) the retail public utility that is authorized to serve in the certificated area that is annexed or incorporated by the municipality is a nonprofit water supply or sewer service corporation, a special utility district under Chapter 65, Water Code, a fresh water supply district under Chapter 53 Water Code; or

(2) the retail public utility that is authorized to serve in the certificated area that is annexed or incorporated by the municipality is a retail public utility, other than a nonprofit water supply or sewer service corporation, and whose service area is located entirely within the boundaries of a municipality with a population of 1.7 million or more according to the most recent federal census; or

(3) the retail public utility that is authorized to serve in the certificated area that is annexed or incorporated by the municipality is a retail public utility, other than a nonprofit water supply or sewer service corporation, and the service area to be acquired is located entirely within the boundaries of a municipality with a population of more than 30,000 that is in a county that has population of less than 90,000 and borders Lake Ray Hubbard according to the most recent federal census.

The amendment to **CSHB 725** was read and was adopted by the following vote: Yeas 31, Nays 0.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 10

Amend the senate committee printing of **CSHB 725** by adding the following SECTIONS and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 36.1071, Water Code, is amended by amending Subsections (c) and (f) and adding Subsection (f-1) to read as follows:

(c) The commission and the Texas Water Development Board shall provide technical assistance to a district in the development of the management plan required under Subsection (a) that [which] may include, if requested by the district, a preliminary review and comment on the plan prior to final approval by the Texas Water Development Board [board]. If such review and comment by the commission is requested, the commission shall provide comment not later than 30 days from the date the request is received.

(f) ~~[The district shall adopt rules necessary to implement the management plan.]~~ Prior to the development of the district's first management plan and ~~[its]~~ approval of that plan under Section 36.1072, the district:

~~(1) [may not adopt rules other than rules pertaining to the registration and interim permitting of new and existing wells and rules governing spacing and procedure before the district's board; however, the district may not adopt any rules limiting the production of wells, except rules requiring that groundwater produced from a well be put to a nonwasteful, beneficial use. The district] may accept applications for permits under Section 36.113, provided the district does not act on any such application until the district's management plan is approved as provided in Section 36.1072;~~

(2) may adopt rules pertaining to the registration, interim permitting, metering, production reporting, spacing, and, where applicable, fee payment for authorized or actual production of water from new and existing wells;

(3) may adopt rules governing procedure before the district's board; and

(4) may not adopt any rules limiting the production of wells, except rules requiring that groundwater produced from a well be put to a nonwasteful, beneficial use.

(f-1) After a management plan is finally approved under Section 36.1072, the district shall adopt or amend rules limiting the production of wells or allocating groundwater as necessary to implement the management plan and achieve the applicable desired future condition. A district may not adopt or amend rules limiting the production of wells or allocating groundwater if the district fails to:

(1) adopt a management plan as required by this section;

(2) submit a management plan to the executive administrator as required by Section 36.1072; and

(3) receive approval of the management plan under Section 36.1072.

SECTION _____. Section 36.1072, Water Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Once the executive administrator has granted administrative approval to [approved] a management plan:

(1) the executive administrator may not revoke but may require revisions to the approved ~~[groundwater conservation district]~~ management plan as provided by Subsection (g); and

(2) the executive administrator may request additional information from the district if the information is necessary to clarify, modify, or supplement previously submitted material~~[, but a request for additional information does not render the management plan unapproved].~~

(c-1) Not later than the 60th day after the date of the administrative approval of a district's management plan under Subsection (c), the executive administrator shall review the management plan to determine whether goals of the management plan are consistent with the achievement of the desired future conditions established under Section 36.108(d) that are applicable to all or part of the district, considering any available information regarding groundwater levels, and:

(1) request additional information from the district;

(2) recommend that the district make substantive changes to the management plan; or

(3) approve the management plan.

SECTION _____. Section 36.1073, Water Code, is amended to read as follows:

Sec. 36.1073. AMENDMENT TO MANAGEMENT PLAN. Any amendment to a district's ~~[the]~~ management plan shall be submitted to the executive administrator within 60 days following adoption of the amendment by the district's board. The executive administrator shall review and approve any amendment that [which] substantially affects the management plan in accordance with the procedures established under Section 36.1072.

SECTION _____. Subsection (n), Section 36.108, Water Code, is amended to read as follows:

(n) The districts shall prepare ~~[a]~~ revised conditions [plan] in accordance with development board recommendations and hold, after notice, at least one public hearing at a central location in the groundwater management area. After consideration of all public and development board comments, the districts shall revise the conditions and submit the conditions to the development board for review.

SECTION _____. Section 36.207, Water Code, is amended to read as follows:

Sec. 36.207. USE OF PRODUCTION ~~[PERMIT]~~ FEES AUTHORIZED BY SPECIAL LAW. A district may use funds obtained from production [permit] fees collected pursuant to the special law governing the district for any purpose consistent with the district's approved ~~[certified water]~~ management plan including, without limitation, making grants, loans, or contractual payments to achieve, facilitate, or expedite reductions in groundwater pumping or the development or distribution of alternative water supplies.

SECTION _____. Section 36.301, Water Code, is amended to read as follows:

Sec. 36.301. VIOLATIONS RELATED TO ~~[FAILURE TO SUBMIT A]~~ MANAGEMENT PLAN. The commission shall take appropriate action under Section 36.303 if:

(1) a district adopts or amends a rule in violation of Section 36.1071(f-1);

(2) ~~[H]~~ a district ~~[board]~~ fails to submit a management plan or to receive approval ~~[certification]~~ of the [its] management plan under Section 36.1072;

(3) a district fails to timely readopt the management plan or to submit the readopted management plan to the executive administrator for approval in accordance with Section 36.1072(f);

(4) the executive administrator determines that a readopted management plan does not meet the requirements for approval, and the district has exhausted all appeals; or

(5) a district fails to submit or receive approval [certification] of an amendment to the management plan under Section 36.1073[~~the commission shall take appropriate action under Section 36.303~~].

SECTION _____. (a) Section 36.1071, Water Code, as amended by this Act, applies only to the rulemaking authority of a groundwater conservation district related to a management plan or an amendment to a management plan that is submitted by the district to the executive administrator of the Texas Water Development Board for review and approval on or after the effective date of this Act. A district's rulemaking authority related to a management plan or an amendment to a management plan that is submitted to the executive administrator of the Texas Water Development Board before the effective date of this Act is governed by the law in effect when the management plan or amendment was submitted, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act to Section 36.301, Water Code, applies only to a violation by a groundwater conservation district that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 725** (Senate Committee Report) by adding the appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 1.03, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subdivisions (6), (9), (10), (20), (21), and (25) and adding Subdivision (28) to read as follows:

(6) "Commission" means the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

(9) "Domestic [~~or livestock~~] use" means the use of water for:

(A) drinking, washing, or culinary purposes;

(B) irrigation of a family garden or orchard the produce of which is for household consumption only; or

(C) the watering of residential landscape of one-half acre or less or any other purpose incidental to and associated with domestic activities, provided that the primary purpose of the well is for the purposes of Paragraph (A) [watering of animals].

(10) "Existing user" means a person who has withdrawn and beneficially used groundwater [underground water] from the aquifer on or before June 1, 1993.

(20) "Groundwater" means water percolating beneath the surface of the earth [~~"Underground water" has the meaning assigned by Section 52.001, Water Code~~].

(21) "Waste" means:

(A) withdrawal of groundwater [underground water] from the aquifer at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;

(B) the flowing or producing of wells from the aquifer if the water produced is not used for a beneficial purpose;

(C) escape of groundwater [underground water] from the aquifer to any other reservoir that does not contain groundwater [underground water];

(D) pollution or harmful alteration of groundwater [underground water] in the aquifer by salt water or other deleterious matter admitted from another stratum or from the surface of the ground;

(E) wilfully or negligently causing, suffering, or permitting groundwater [underground water] from the aquifer to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26, Water Code;

(F) groundwater [underground water] pumped from the aquifer for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or

(G) for water produced from an artesian well, "waste" has the meaning assigned by Section 11.205, Water Code.

(25) "Withdrawal" means an act or a failure to act that results in taking water from the aquifer by or through man-made facilities, including pumping, withdrawing, or diverting groundwater [underground water].

(28) "Livestock use" means the use of water for watering livestock or poultry.

SECTION _____. Section 1.07, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.07. OWNERSHIP OF GROUNDWATER [UNDERGROUND WATER]. The ownership and rights of the owner of the land and the owner's lessees and assigns, including holders of recorded liens or other security interests in the land, in groundwater [underground water] and the contract rights of any person who purchases water for the provision of potable water to the public or for the resale of potable water to the public for any use are recognized. However, action taken pursuant to this Act may not be construed as depriving or divesting the owner or the owner's lessees and

assigns, including holders of recorded liens or other security interests in the land, of these ownership rights or as impairing the contract rights of any person who purchases water for the provision of potable water to the public or for the resale of potable water to the public for any use, subject to the rules adopted by the authority [~~or a district exercising the powers provided by Chapter 52, Water Code~~]. The legislature intends that just compensation be paid if implementation of this article causes a taking of private property or the impairment of a contract in contravention of the Texas or federal constitution.

SECTION _____. Sections 1.08(a) and (b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(a) The authority has all of the powers, rights, and privileges necessary to manage, conserve, preserve, and protect the aquifer and to increase the recharge of, and prevent the waste or pollution of water in, the aquifer. The authority has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 49 and [50,] 51, [~~and 52,~~] Water Code, applicable to an authority created under Article XVI, Section 59, of the Texas Constitution. This article prevails over any provision of general law that is in conflict or inconsistent with this article regarding the area of the authority's jurisdiction. Chapter 36, Water Code, does not apply to the authority.

(b) The authority's powers regarding groundwater [~~underground water~~] apply only to groundwater [~~underground water~~] within or withdrawn from the aquifer. This section [~~subsection~~] is not intended to allow the authority to regulate surface water.

SECTION _____. Section 1.09, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subsection (d) and adding Subsection (i) to read as follows:

(d) Section [~~Sections 41.003 and~~] 41.008, Election Code, does [~~do~~] not apply to an election held under this article.

(i) A member of a governing body of another political subdivision is ineligible for appointment or election as a director of the authority. A director of the authority is disqualified and vacates the office of director if the director is appointed or elected as a member of the governing body of another political subdivision.

SECTION _____. Section 1.10(h), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(h) The presiding officer of the advisory committee shall submit a report assessing the effectiveness of the authority to the commission and the authority by December [~~March~~] 31 of each even-numbered year. The report must assess the effect on downstream water rights of the management of the aquifer. The authority shall consider the report in managing the authority's affairs.

SECTION _____. Sections 1.11(d) and (g), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(d) The authority may:

- (1) issue or administer grants, loans, or other financial assistance to water users for water conservation and water reuse;
- (2) enter into contracts;
- (3) sue and be sued only in its own name;

(4) receive gifts, grants, awards, and loans for use in carrying out its powers and duties;

(5) hire an executive director to be the chief administrator of the authority and other employees as necessary to carry out its powers and duties;

(6) delegate the power to hire employees to the executive director of the authority;

(7) own real and personal property;

(8) close abandoned, wasteful, or dangerous wells;

(9) hold permits under state law or under federal law pertaining to the Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) and its amendments;

(10) enforce Chapter 1901 [32], Occupations Code [~~Water Code~~], and Texas Department of Licensing and Regulation [~~commission~~] rules adopted under that chapter [~~Act~~] within the authority's boundaries; and

(11) require to be furnished to the authority water well drillers' logs that are required by Chapter 1901 [32], Occupations Code [~~Water Code~~], to be kept and furnished to the Texas Department of Licensing and Regulation [~~commission~~].

(g) The authority has the power of eminent domain. The authority may not acquire rights to groundwater [~~underground water~~] by the power of eminent domain.

SECTION _____. Section 1.13, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.13. REUSE AUTHORIZED. Any regulation of the withdrawal of water from the aquifer must allow for credit to be given for certified reuse of the water. For regulatory credit, the authority [~~or a local underground water conservation district~~] must certify:

(1) the lawful use and reuse of aquifer water;

(2) the amount of aquifer water to be used; and

(3) the amount of aquifer withdrawals replaced by reuse.

SECTION _____. Section 1.14(e), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(e) The authority may not allow withdrawals from the aquifer through wells drilled after June 1, 1993, except for replacement or [s] test[~~or exempt~~] wells or wells exempt under Section 1.33 of this article or to the extent that the authority approves an amendment to an initial regular permit to authorize a change in the point of withdrawal under that permit.

SECTION _____. Section 1.15, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) A permit issued by the authority to an applicant must state the terms and provisions prescribed by the authority. Each groundwater withdrawal permit must specify the maximum rate and total volume of water that the water user may withdraw in a calendar year.

(d-1) A permit may include:

(1) the name and address of the person to whom the permit is issued;

(2) the location of the well;

(3) the term of the permit, including the date the permit is to expire;

(4) a statement of the purpose for which the well is to be used;
(5) a requirement that the water withdrawn under the permit be put to beneficial use at all times;
(6) the location at which the water from the well will be used;
(7) a water well closure plan or a declaration that the applicant will comply with the authority's well closure requirements and notify the authority of the closure;
(8) conditions and restrictions on the rate and amount of withdrawal;
(9) conservation requirements prescribed by the authority;
(10) a drought contingency plan prescribed by the authority; and
(11) other terms and conditions the authority determines reasonable and appropriate.

SECTION _____. Sections 1.16(a), (b), and (d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(a) An existing user may apply for an initial regular permit by filing a declaration of historical use of groundwater [~~underground water~~] withdrawn from the aquifer during the historical period from June 1, 1972, through May 31, 1993.

(b) An existing user's declaration of historical use must be filed on or before December 30, 1996 [~~March 1, 1994~~], on a form prescribed by the board. An applicant for a permit must timely pay all application fees required by the board. An owner of a well used for irrigation must include additional documentation of the number of acres irrigated during the historical period provided by Subsection (a) of this section.

(d) The board shall grant an initial regular permit to an existing user who:

(1) files a declaration and pays fees as required by this section; and

(2) establishes by convincing evidence beneficial use of groundwater [~~underground water~~] from the aquifer.

SECTION _____. Sections 1.17(a) and (d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(a) A person who, on the effective date of this article, owns a producing well that withdraws water from the aquifer may continue to withdraw and beneficially use water without waste until final action on permits by the authority, if:

(1) the well is in compliance with all statutes and rules relating to well construction, approval, location, spacing, and operation; and

(2) by December 30, 1996 [~~March 1, 1994~~], the person files a declaration of historical use on a form as required by the authority.

(d) Interim authorization for a well under this section ends on:

(1) entry of a final and appealable order by the authority acting on the application for the well; or

(2) December 30, 1996 [~~March 1, 1994~~], if the well owner has not filed a declaration of historical use.

SECTION _____. Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Sections 1.21 and 1.211 to read as follows:

Sec. 1.21. CONTESTED CASE HEARINGS; REQUEST FOR REHEARING OR FINDINGS AND CONCLUSIONS. (a) The authority, by rule, shall define under what circumstances an application is considered contested and shall limit participation in a hearing on a contested application held in accordance with authority rules to

persons who have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by an application, not including persons who have an interest common to members of the public.

(b) Except as provided by Subsection (c) of this section, an applicant or a party to a contested hearing may file a request for rehearing not later than the 20th day after the date of the board's decision.

(c) An applicant or a party to a contested hearing may request written findings of fact and conclusions of law not later than the 20th day after the date of the board's decision on the application. On receipt of a timely filed written request under this subsection, the board shall make written findings of fact and conclusions of law regarding a decision of the board on the application. The board shall provide copies of the findings of fact and conclusions of law to the person who requested them, and to each person who provided comments at the initial hearing or each designated party, not later than the 35th day after the date the board received the request. A person who receives a copy of the findings of fact and conclusions of law from the board may request a rehearing before the board not later than the 20th day after the date the board issues the findings of fact and conclusions of law.

(d) A request for rehearing on a contested matter must be filed in the authority's office and must state the grounds for the request.

(e) If the board grants a request for rehearing, the board shall schedule the rehearing not later than the 45th day after the date the request is granted.

(f) The failure of the board to grant or deny a request for rehearing before the 91st day after the date the request is submitted constitutes a denial of the request.

Sec. 1.211. APPLICATION DECISION; WHEN FINAL. (a) A decision by the board on an application is final:

(1) if a request for rehearing is not timely filed, on the expiration of the period for filing a request for rehearing; or

(2) if a request for rehearing is timely filed, on the date:

(A) the board denies the request for rehearing; or

(B) the board renders a written decision after rehearing.

(b) A timely filed motion for rehearing challenging a decision in a contested hearing is a prerequisite to a suit against the authority under Section 1.46 of this article. A suit under that section may be filed not later than the 60th day after the date on which the decision becomes final.

SECTION ____. Section 1.22(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The authority may acquire, ~~and~~ hold, and transfer permits or rights to appropriate surface water or groundwater from sources inside or outside of the authority's boundaries. The authority may transport and distribute surface water or groundwater as necessary to accomplish the powers and duties authorized by this article or other applicable law.

SECTION ____. Section 1.25, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.25. GROUNDWATER [COMPREHENSIVE] MANAGEMENT PLAN.

(a) Consistent with Section 1.14 of this article, after notice and hearing, the authority shall develop[, by September 1, 1995,] and implement a groundwater [comprehensive

~~water~~] management plan that includes conservation, future supply, and demand management plans. The authority may not delegate the development of the plan under Section 1.42 of this article.

~~(b) The authority shall develop the groundwater management plan, and any amendment to the plan, using the best available data that the authority has obtained and forward the plan, and any amendment to the plan, to the appropriate regional water planning group for use in the group's planning process [The authority, in conjunction with the South Central Texas Water Advisory Committee, the Texas Water Development Board, and underground water conservation districts within the authority's boundaries, shall develop a 20-year plan for providing alternative supplies of water to the region, with five-year goals and objectives, to be implemented by the authority and reviewed annually by the appropriate state agencies and the Edwards Aquifer Legislative Oversight Committee. The authority, advisory committee, Texas Water Development Board, and districts, in developing the plan, shall:~~

~~[(1) thoroughly investigate all alternative technologies;~~

~~[(2) investigate mechanisms for providing financial assistance for alternative supplies through the Texas Water Development Board; and~~

~~[(3) perform a cost-benefit analysis and an environmental analysis].~~

~~(c) On request by the authority, the commission and the Texas Water Development Board shall provide technical assistance to the authority in the development of the groundwater management plan. The technical assistance provided may include a preliminary review and comment on the plan prior to final certification by the executive administrator of the Texas Water Development Board. If such review and comment by the commission is requested, the commission shall provide comment not later than the 30th day after the date the request is received.~~

~~(d) On request of the executive director of the commission or the executive administrator of the Texas Water Development Board, the authority shall make available information that it acquires concerning the aquifer and information concerning its plans and activities in conserving and protecting the aquifer. On request of the authority, the executive director and the executive administrator shall provide information they acquire concerning the aquifer within the authority's jurisdiction.~~

~~(e) In the groundwater management plan, the authority shall:~~

~~(1) identify the performance standards and management objectives under which the authority will operate to achieve its aquifer management goals;~~

~~(2) specify the actions, procedures, performance, and avoidance that are or may be necessary to effect the plan, including specifications and proposed rules;~~

~~(3) include estimates of the following:~~

~~(A) the amount of groundwater being used within the authority on an annual basis;~~

~~(B) the annual amount of recharge to the aquifer;~~

~~(C) the annual volume of water that discharges from the aquifer to springs;~~

~~(D) the annual volume of flow into and out of the authority's jurisdiction within the aquifer and between the aquifer and other aquifers within the authority's boundaries, if an appropriate groundwater availability model is available;~~

(E) the projected surface water supply in the authority according to the most recently adopted state water plan; and

(F) the projected total demand for water in the authority according to the most recently adopted state water plan; and

(4) consider the water supply needs and water management strategies included in the adopted state water plan.

(f) The authority shall adopt amendments to the groundwater management plan as necessary. An amendment to the plan may be adopted only after notice and hearing. An amendment to the plan shall be submitted to the executive administrator of the Texas Water Development Board not later than the 60th day after the date the amendment is adopted by the board. The executive administrator shall review and certify any amendment in accordance with the procedures established in this section.

(g) The authority shall, not later than December 31, 2015, submit its next groundwater management plan to the executive administrator of the Texas Water Development Board for review and certification.

(h) Not later than the 60th day after the date of receipt of the groundwater management plan adopted by the board, the executive administrator of the Texas Water Development Board shall certify the plan if the plan is administratively complete. The plan is administratively complete if it contains the information required by this section. Once the executive administrator has certified the plan, the executive administrator may not decertify the plan.

(i) The groundwater management plan takes effect on certification by the executive administrator of the Texas Water Development Board.

(j) The authority shall review its groundwater management plan annually and must review and readopt the plan with or without amendments at least once every five years. The authority shall provide the readopted plan to the executive administrator of the Texas Water Development Board not later than the 60th day after the date on which the plan was readopted by the board. Certification of the preceding plan remains in effect until the executive administrator has certified the readopted plan.

(k) If the executive administrator of the Texas Water Development Board does not certify the groundwater management plan, the executive administrator shall provide to the authority, in writing, the reasons for the action. Not later than the 180th day after the date the authority receives notice that its plan has not been certified, the authority may submit a revised plan for review and certification. The executive administrator's decision may be appealed to the Texas Water Development Board. If the Texas Water Development Board decides not to certify the plan on appeal, the authority may request that the conflict be mediated. The authority and the Texas Water Development Board may seek the assistance of the Center for Public Policy Dispute Resolution at The University of Texas at Austin School of Law or an alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code, in obtaining a qualified impartial third party to mediate the conflict. The cost of the mediation services must be specified in the agreement between the parties and the Center for Public Policy Dispute Resolution or the alternative dispute resolution system. If the parties do not resolve the conflict through mediation, the decision of the

Texas Water Development Board not to certify the plan may be appealed to a district court in Travis County. Costs for the appeal shall be set by the court hearing the appeal. An appeal under this subsection is by trial de novo.

SECTION _____. Section 1.29, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subsections (f), (g), (h), and (i) to read as follows:

(f) In addition to the fees assessed under Subsection (b) of this section, the authority may assess fees to recover administrative costs such as filing and processing applications and registrations. The fees may not unreasonably exceed the administrative costs. ~~[The authority shall impose a permit application fee not to exceed \$25.]~~

(g) ~~[The authority may impose a registration application fee not to exceed \$10.~~

~~[(h)]~~ Fees assessed by the authority may not be used to fund the cost of reducing withdrawals or retiring permits or of judgments or claims related to withdrawals or permit retirements.

(h) ~~[(h)]~~ The authority and other stakeholders, including state agencies, listed under Section 1.26A of this article shall provide money as necessary to finance the activities of the steering committee and any subcommittees appointed by the steering committee and the program director of the recovery implementation program under Section 1.26A of this article. The authority shall provide, as necessary, up to \$75,000 annually, adjusted for changes in the consumer price index, to finance the South Central Texas Water Advisory Committee's administrative expenses and programs authorized under this article.

SECTION _____. Section 1.30(e), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(e) Section [Sections 11.028 and] 11.033, Water Code, does [do] not apply to a permit issued under this section.

SECTION _____. Section 1.31(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The authority is responsible for the costs of purchasing, installing, and maintaining measuring devices, if required, for an irrigation well in existence on June 28, 1996 [September 1, 1993].

SECTION _____. Section 1.33, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.33. WELL METERING EXEMPTION. (a) Except as provided by Subsections (d) and (e) of this section, a [A] well that is drilled, completed, or equipped so that it is incapable of producing more than [produces] 25,000 gallons of water per [a] day and is and will be used exclusively [or less] for domestic use or livestock use is exempt from metering and withdrawal permit requirements.

(b) A well drilled on or before June 1, 2011, that is incapable of producing more than 1,250 gallons of water per day or that is metered and does not produce more than 1,250 gallons of water per day for any purpose authorized in this article is exempt from withdrawal permit requirements. Multiple wells may not be used in combination in a manner to satisfy a single water use or purpose, that when combined, would not come within the requirements of this subsection.

(c) A well that is exempt under Subsection (a) or (b) of this section [Exempt wells] must be registered [register] with the authority [or with an underground water conservation district in which the well is located].

(d) [(e)] A well that meets the requirements of Subsection (a) of this section [within or serving a subdivision requiring platting] does not qualify for an exemption if the well:

(1) serves a subdivision of land requiring plat approval under Chapter 232, Local Government Code;

(2) supplies water to a public water system as defined by 30 T.A.C. Section 290.38; or

(3) produces groundwater for domestic use, was drilled on or before June 1, 2011, and is on a tract of land with a residence that receives water service from a retail public utility as defined by Section 13.002, Water Code [exempt use].

(e) A well drilled after June 1, 2011, that meets the requirements of Subsection (a) of this section, is exempt from metering and withdrawal permit requirements only if the well is on a tract of land larger than 10 acres.

SECTION ____ . Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Section 1.361 to read as follows:

Sec. 1.361. ABANDONED, OPEN, UNCOVERED, OR DETERIORATED WELLS. (a) If the owner or lessee of land on which an abandoned, open, uncovered, or deteriorated well is located fails or refuses to close, cap, or plug the well in compliance with Chapter 1901, Occupations Code, and the authority's rules, the authority or its authorized employees, representatives, or agents may enter the land and close, cap, or plug the well in a safe and secure manner.

(b) Reasonable expenses incurred by the authority in closing, capping, or plugging a well constitute a lien on the land on which the well is located.

(c) A lien described by Subsection (b) of this section arises and attaches after an affidavit executed by any person with knowledge of the facts of the closing, capping, or plugging is recorded in the deed records of the county where the well is located. The affidavit must contain:

(1) a statement or photograph confirming the existence of the well;

(2) the legal description of the property on which the well is located;

(3) a description of the approximate location of the well on the property;

(4) a statement confirming the failure or refusal of the owner or lessee, after notification, to close or cap the well within 10 days after the notification;

(5) a statement confirming the closing, capping, or plugging of the well by the authority, or by an authorized agent, representative, or employee of the authority; and

(6) a statement of the expenses incurred by the authority in closing, capping, or plugging the well.

(d) Nothing in this section affects the enforcement of Subchapter A, Chapter 756, Health and Safety Code.

SECTION ____ . Sections 1.37(j), (n), and (r), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(j) Within 30 days after the date the authority's order is final as provided by Section 2001.144(a), Government Code [~~Subsection (e), Section 16, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)~~], the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(n) Judicial review of the order of the authority:

(1) is instituted by filing a petition as provided by Subchapter G, Chapter 2001, Government Code [~~Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)~~]; and

(2) is under the substantial evidence rule.

(r) All proceedings under this section are subject to Chapter 2001, Government Code [~~the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)~~].

SECTION _____. Section 1.38, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.38. INJUNCTION BY AUTHORITY. (a) The authority may file a civil suit in a state district court for an injunction or mandatory injunction to enforce this article. The authority may recover reasonable attorney fees in a suit under this section.

(b) In an enforcement action by the authority against a governmental entity for a violation of authority rules, the limits on the amount of fees, costs, and penalties that the authority may impose under this section constitute a limit of the governmental entity's liability for the violation. This subsection shall not be construed to prohibit the recovery by the authority of fees and costs under this article in an action against a governmental entity.

SECTION _____. Sections 1.42(a), (b), and (c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(a) A groundwater [~~An underground water~~] conservation district other than the authority may manage and control water that is a part of the aquifer after the effective date of this article only as provided in this section. This article does not affect a water reclamation or conservation district that manages and controls only water from a resource other than the aquifer.

(b) A groundwater [~~An underground water~~] conservation district [other than the authority may manage and control water that is a part of the aquifer to the extent that those management activities do not conflict with and are not duplicative of this article or the rules and orders of the authority.

(c) Except as otherwise provided by this article, the board may delegate the powers and duties granted to it under this article. The board shall delegate all or part of its powers or duties to a groundwater [~~an underground water~~] conservation district on the district's request if the district demonstrates to the satisfaction of the board that:

(1) the district has statutory powers necessary for full enforcement of the rules and orders to be delegated;

(2) the district has implemented all rules and policies necessary to fully implement the programs to be delegated; and

(3) the district has implemented a system designed to provide the authority with adequate information with which to monitor the adequacy of the district's performance in enforcing board rules and orders.

SECTION _____. Section 1.43, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.43. CREATION OF GROUNDWATER ~~[UNDERGROUND WATER]~~ CONSERVATION DISTRICT. A groundwater ~~[An underground water]~~ conservation district may be created in any county affected by this article as provided by Subchapter B, Chapter 36 ~~[52]~~, Water Code.

SECTION _____. Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by adding Section 1.46 to read as follows:

Sec. 1.46. SUITS. (a) An affected person dissatisfied with any authority rule, order, or act is entitled to file suit against the authority or its directors to challenge the validity of the rule, order, or act. The suit may be filed in any county in which the authority is located. The suit may be filed only after all administrative appeals to the authority are final. The burden of proof is on the petitioner, and the challenged rule, order, or act shall be deemed prima facie valid. The review on appeal is governed by Section 2001.038 or 2001.174, Government Code, as appropriate.

(b) If the authority prevails in a suit to enforce this article or its rules, orders, or acts, or in a suit other than a suit in which it voluntarily intervenes, the authority may seek and the court shall grant, in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the authority before the court. The court shall set the amount of the attorney's fees.

SECTION _____. Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is transferred to Article 1 of that Act, redesignated as Section 1.47, and amended to read as follows:

Sec. 1.47 ~~[4.02]~~. ORIGINAL EFFECTIVE DATES. This article ~~[Act]~~ takes effect June 28, 1996 ~~[September 1, 1993]~~, except Section 1.35 of Article 1 takes effect December 30, 1996 ~~[March 1, 1994]~~.

SECTION _____. Section 3.02, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 3.02. NOTICE OF AVAILABLE WATER. The Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality shall notify the Edwards Aquifer Authority of any water available for appropriation in the Guadalupe-Blanco River Basin as the commission discovers the available water.

SECTION _____. Section 36.205(e), Water Code, is amended to read as follows:

(e) Subsection (c) does not apply to the following districts:

(1) ~~[the Edwards Aquifer Authority;~~

~~(2)]~~ the Fort Bend Subsidence District;

(2) ~~(3)]~~ the Harris-Galveston Coastal Subsidence District;

(3) ~~(4)]~~ the Barton Springs-Edwards Aquifer Conservation District; or

(4) [~~5~~] any district that collects a property tax and that was created before September 1, 1999, unless otherwise authorized by special law.

SECTION _____. The following laws are repealed:

(1) Section 1.41(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993; and

(2) Sections 36.101(l), 36.1011(e), and 36.419, Water Code.

SECTION _____. (a) A suit based on or derived from Chapter 36, Water Code, contesting the validity or implementation of Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, or a rule, order, or other action of the Edwards Aquifer Authority under that article may not be instituted in a state court.

(b) A person may not institute or maintain a suit against the Edwards Aquifer Authority based on or derived from Chapter 36, Water Code, for any injury or potential injury, including any injury or potential injury caused by an action taken by the authority to implement or enforce Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, or a rule, order, or other action of the authority under that article.

(c) The changes in law made by this Act to Chapter 36, Water Code, apply only to a cause of action against the Edwards Aquifer Authority filed on or after the effective date of this Act. A cause of action filed before the effective date of this Act is governed by the law in effect when the cause of action was filed, and the former law is continued in effect for that purpose.

SECTION _____. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

The amendment to **CSHB 725** was read and was adopted by the following vote: Yeas 20, Nays 8.

Yeas: Davis, Ellis, Eltife, Estes, Gallegos, Hegar, Huffman, Jackson, Lucio, Nelson, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Carona, Deuell, Fraser, Harris, Hinojosa, Nichols, Shapiro.

Absent: Duncan, Ogden, Williams.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 725** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 3875, Special District Local Laws Code, is repealed.

The amendment to **CSHB 725** was read.

Senator Jackson withdrew Floor Amendment No. 12.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSHB 725** by adding the following SECTIONS and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9016 to read as follows:

CHAPTER 9016. MIDLAND COUNTY UTILITY DISTRICT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9016.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "County" means Midland County.
- (4) "Director" means a board member.
- (5) "District" means the Midland County Utility District.
- (6) "Municipality" means a municipality in whose corporate limits or extraterritorial jurisdiction any part of the district is located.

Sec. 9016.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9016.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 9016.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9016.003 until each municipality has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 9016.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution.

Sec. 9016.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 9016.007-9016.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9016.051. GOVERNING BODY; TERMS. (a) Except as provided by Subsection (c), the district is governed by a board of five elected directors.

(b) Except as provided by Section 9016.052, directors serve staggered four-year terms.

(c) If the municipality annexes any part of the territory of the district, the municipality shall appoint one ex officio member to the board to serve as a sixth director.

Sec. 9016.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Shelton Viney;

(2) Susie Hitchcock-Hall;

(3) Alan Lang;

(4) David Orr; and

(5) Israel Rodriguez.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 9016.003; or

(2) September 1, 2015.

(c) If permanent directors have not been elected under Section 9016.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 9016.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Sec. 9016.053. NOTICE OF MEETINGS. The district shall provide the municipality with written notice before a meeting of the board.

[Sections 9016.054-9016.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9016.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 9016.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9016.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 42.042, Local Government Code, and Section 9016.004 and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 9016.104. COMPLIANCE WITH MUNICIPAL REGULATIONS. (a) Any water, sanitary sewer, drainage, or other infrastructure or public facilities constructed, acquired, improved, maintained, or operated by the district shall comply with any applicable regulations of the municipality in whose corporate limits or extraterritorial jurisdiction the infrastructure or facilities are located.

(b) Any water system constructed, acquired, improved, maintained, or operated by the district shall:

(1) comply with any applicable regulations of the municipality regarding specifications for rural density; and

(2) contain distribution lines that are:

(A) four inches or more in diameter; and

(B) sufficient to provide fire hydrant service according to the municipality's specifications for rural density.

Sec. 9016.105. COUNTY RIGHT-OF-WAY. The district must obtain the approval of the county's governing body of the plans and specifications of any facilities to be installed on property located in a county right-of-way.

Sec. 9016.106. LIABILITY. (a) Neither the county nor the municipality is liable for any claims arising from the operation of the district's water system or other actions or inactions of the district, including labor, safety, or signage, or contamination or other environmental issues.

(b) Any action taken by the municipality is a governmental function.

Sec. 9016.107. COSTS OF LINE RELOCATION. (a) The district is solely responsible for the expense associated with the relocation of any district water line required by:

(1) the county or a municipality; or

(2) a state or federal highway authority, including the Texas Department of Transportation and the Federal Highway Administration.

(b) The district will not unreasonably delay any requested line relocation.

Sec. 9016.108. SERVICES TO BE PROVIDED BY THE DISTRICT, COUNTY, OR MUNICIPALITY. (a) The district may enter into an interlocal contract with the county or municipality to provide governmental functions, including fire protection, trash collection and disposal, and ambulance service.

(b) Notwithstanding Subsection (a), the municipality is authorized to provide sewer and drainage service in the district. The municipality shall establish the amount of the fees to be charged to recipients of sewer and drainage service under this subsection.

(c) Notwithstanding Subsection (a), the district may not provide any services within the territorial limits of the municipality as those limits exist on September 1, 2011.

Sec. 9016.109. ANNEXATION BY MUNICIPALITY. (a) The municipality may annex a part of the territory of the district without annexing the entire territory of the district.

(b) If the municipality annexes all or part of the district:

(1) the annexed territory is not removed from the district; and

(2) the district is not:

(A) dissolved; or

(B) prevented from providing district services to the annexed territory.

(c) If any territory inside the district is annexed, the owner of the property shall pay the same rate of ad valorem tax to the municipality as other residents of the municipality.

(d) By annexing territory in the district, the municipality does not assume any debt of the district.

(e) The district may not contest an annexation by the municipality.

Sec. 9016.110. WATER SERVICE DEADLINE. The district must begin operation of a water system serving at least a part of the district not later than the sixth anniversary of the date that district voters approve the issuance of bonds to provide for the development of the water system.

Sec. 9016.111. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain:

(1) outside the district to acquire a site or easement for a recreational facility as defined by Section 49.462, Water Code; or

(2) in the corporate limits of the municipality as those limits exist on September 1, 2011.

Sec. 9016.112. PROHIBITION ON DIVISION OF DISTRICT. The district may not divide into two or more districts.

[Sections 9016.113-9016.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9016.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9016.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 9016.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9016.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 9016.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 9016.154-9016.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9016.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 9016.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Section 51.433, Water Code.

Sec. 9016.203. LIMITATION ON TAX RATE. Notwithstanding any other provision of this chapter, the projected combined operation, maintenance, and debt service tax rates as of the date of the issuance of any bonds, as described by the commission in a commission order approving the issuance of the bonds, may not exceed 65 cents for each \$100 of assessed valuation of property in the district.

Sec. 9016.204. BONDS AND OTHER OBLIGATIONS NOT TO BE PAID BY MUNICIPALITY OR COUNTY. Bonds or other obligations of the district:

- (1) may not be paid wholly or partly by taxes imposed by the county or the municipality;
- (2) are not debts of the county or municipality; and
- (3) do not give rise to a claim against the county or municipality.

SECTION ____. The Midland County Utility District initially includes all the territory contained in the following area:

54,050 Acres of Land

Located in Various Sections and Blocks,

T&P RR Co. Survey, Midland County, Texas.

Boundary Being More Fully Described By Metes and Bounds As Follows:

BEGINNING at (Y= 10,677,038' and X= 1,736,917') a point in the west line of Section 7, Block 39, T2S and a southerly line of Midland city limits and being the most westerly northwest corner of this tract;

THENCE S 14°19' E, a distance of 2685 feet to the southwest corner of said Section 7 and being an ell corner of this tract;

THENCE N 75°10' E with the south right-of-way line of West County Road 120, a distance of 7031 feet to a point in the north line of Section 17 this block for a point of deflection of this tract;

THENCE S 64°46' E, a distance of 4725 feet to a point in the east line of said Section 17 and in the west right-of-way line of South County Road 1210 also being a point of deflection of this tract;

THENCE S 14°23' E with the west right-of-way line of said South County Road 1210, a distance of 6340 feet to a point in the north right-of-way line of West County Road 138 and being an ell corner of this tract;

THENCE S 75°41' W with the north right-of-way line of said West County Road 138, a distance of 3340 feet to a point in the west right-of-way line of South County Road 1216 and being an ell corner of this tract;

THENCE S 14°52' E with the west right-of-way line of said South County Road 1216, a distance of 1272 feet to a point in the north right-of-way line of West County Road 140 and being an ell corner of this tract;

THENCE S 75°29' W with the north right-of-way line of said West County Road 140, a distance of 1974 feet to a point near the northwest corner of Section 29, Block 39, T2S and being an ell corner of this tract;

THENCE S 14°16' E, a distance of 26,411 feet to a point near the southwest corner of Section 6, Block 39, T3S and being the most southerly southwest corner of this tract;

THENCE N 75°59' E, a distance of 15,901 feet to a point in the east right-of-way line of State Highway 349 and being the most southerly southeast corner of this tract;

THENCE N 14°08' W with the east right-of-way line of said State Highway 349, a distance of 18,548 feet to a point near the southwest corner of Condor Aviation Co. Inc. tract and being an ell corner of this tract;

THENCE N 75°17' E, a distance of 5227 feet to a point in the east line of Section 35, Block 39, T2S and being an ell corner of this tract;

THENCE N 14°23' W, a distance of 1604 feet to a point for an ell corner of this tract;

THENCE N 76°20' E, a distance of 5414 feet to a point in the east right-of-way line of Farm to Market Road 715 and being an ell corner of this tract;

THENCE N 14°21' W with the east right-of-way line of said Farm to Market Road 715, a distance of 664 feet to a point for an ell corner of this tract;

THENCE N 75°23' E, a distance of 2628 feet to a point in the west half of Section 24, Block 38, T2S and being an ell corner of this tract;

THENCE S 14°03' E, a distance of 8251 feet to a point for an ell corner of this tract;

THENCE N 76°09' E, a distance of 2658 feet to a point in the east right-of-way line of South County Road 1160 and being an ell corner of this tract;

N 14°22' W with the east right-of-way line of said South County Road 1160, a distance of 3359 feet to a point in the south right-of-way line of East County Road 160 and being an ell corner of this tract;

THENCE N 75°38' E with the south right-of-way line of said East County Road 160, a distance of 10,581 feet to a point near the southeast corner of Section 22, Block 38, T2S and being an ell corner of this tract;

THENCE N 14°07' W with the east line of said Section 22, a distance of 5353 feet to a point near the northeast corner of said Section 22 and being an ell corner of this tract;

THENCE N 75°40' E, a distance of 1381 feet to a point near the southeast corner of George V. Anderson Jr. tract and the southwest corner of Donna Johnson tract also being an ell corner of this tract;

THENCE N 14°03' W with the west line of said Donna Johnson tract and the east line of said George V. Anderson Jr. tract, a distance of 1926 feet to a point near the northwest corner of said Donna Johnson tract and being an ell corner of this tract;

THENCE N 75°43' E, a distance of 1355 feet to a point in the east right-of-way line of South County Road 1136 and being an ell corner this tract;

THENCE N 13°52' W with the east right-of-way line of said South County Road 1136, a distance of 8663 feet to a point in the southwesterly right-of-way of State Highway 158 and the south right-of-way line of East County Road 130 also being an ell corner of this tract;

THENCE N 75°27' E with the south right-of-way line of said East County Road 130, a distance of 3996 feet to a point for an ell corner of this tract;

THENCE N 13°57' W, a distance of 5272 feet to a point in the south right-of-way line of East County Road 120 and being an ell corner of this tract;

THENCE N 75°41' E with the south right-of-way line of said East County road 120, a distance of 14,750 feet to a point for an ell corner of this tract;

THENCE N 14°17' W, a distance of 5276 feet to a point near the northwest corner of Section 51, Block 37, T2S and being an ell corner of this tract;

THENCE N 74°54' E, a distance of 10,567 feet to a point in the east right-of-way line of Farm to Market Road 1379 and being the most easterly southeast corner of this tract;

THENCE N 13°59' W with the east right-of-way line of said Farm to Market Road 1379, a distance of 3955 feet to a point of deflection of this tract;

THENCE N 14°17' W, a distance of 20,565 feet to a point in the southeasterly right-of-way of Interstate Highway 20 and being the most easterly northeast corner of this tract;

THENCE S 59°40' W with the southeasterly right-of-way of said Interstate Highway 20, a distance of 22,345 feet to a point in the projection of North County Road 1120 and being a point of deflection of this tract;

THENCE N 14°09' W, a distance of 8118 feet to a point near the northeast Section 26, Block 38, T1S and being an ell corner of this tract;

THENCE S 75°33' W with the north line of said Section 26, a distance of 2741 feet to a point for an ell corner of this tract;

THENCE N 13°46' W, a distance of 3300 feet to a point for an ell corner of this tract;

THENCE S 75°45' W, a distance of 2696 feet to a point in the west line of Section 23 and the east line of Section 22, Block 38, T1S and being an ell corner of this tract;

THENCE S 14°37' E with the west line of said Section 23 and the east line of said Section 22, a distance of 668 feet to a point for an ell corner of this tract;

THENCE S 75°34' W, a distance of 7949 feet to a point near the middle of Section 21, Block 38, T1S and being an ell corner of this tract;

THENCE N 14°18' W, a distance of 2716 feet to a point in the north line of said Section 21 and being an ell corner of this tract;

THENCE S 75°23' W, a distance of 4294 feet to a point in the north line of Section 20, Block 38, T1S and being a point of deflection of this tract;

THENCE S 66°10' W, a distance of 3034 feet to a point in an easterly line of the Midland city limits and being the most northerly northwest corner of this tract;

THENCE S 14°33' E with said city limits, a distance of 5372 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°36' W with said city limits, a distance of 2511 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°34' E with said city limits, a distance of 180 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°36' W with said city limits, a distance of 835 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°34' E with said city limits, a distance of 3832 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 2208 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 14°34' W with said city limits, a distance of 1204 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 1138 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 15°14' E with said city limits, a distance of 645 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 4603 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°35' E with said city limits, a distance of 5122 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°37' E with said city limits, a distance of 659 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°36' E with said city limits, a distance of 2879 feet to a point in the northwesterly right-of-way line of Business Interstate Highway 20 (US Highway 80) and the most easterly southeast corner of said city limits also being a point of deflection of this tract;

THENCE N 59°41' E with the northwesterly right-of-way line of said Business Interstate Highway 20, a distance of 4829 feet to a point near the northwest corner of Section 40, Block 38, T1S and being a point of deflection of this tract;

THENCE S 14°24' E, a distance of 7260 feet to a point in the east line of Section 45, Block 38, T1S and being 1000 feet southerly of the southeasterly right-of-way line of Interstate Highway 20 and being a point of deflection of this tract;

THENCE S 45°05' W 1000 feet southerly and parallel to the southeasterly right-of-way line of said Interstate Highway 20, a distance of 6527 feet to a point in the north line of Section 5, Block 38, T2S and in the south right-of-way line of Farm to Market Road 307 also being a point of deflection of this tract;

THENCE N 76°37' E with the south right-of-way line of said Farm to Market Road 307, a distance of 2882 feet to a point near the northeast corner of a 320 acre City of Midland tract in Section 4, Block 38, T2S and being an ell corner of this tract;

THENCE S14°25' E with the east line of said 320 acre tract, a distance of 5252 feet to a point in the south line of said Section 4 and the north line of Section 9, Block 38, T2S and being an ell corner of this tract;

THENCE N 75°36' E with the north line of said Section 9, a distance of 2768 feet to a point near the northeast corner of said Section 9 and in the west right-of-way South County Road 1140 also being an ell corner of this tract;

THENCE S 14°36' E with the west right-of-way line of said South County Road 1140, a distance of 5313 feet to a point in the north right-of-way line of East County Road 120 and being an ell corner of this tract;

THENCE S 75°56' W with the north right-of-way line of said East County Road 120, a distance of 5150 to a point in the northeasterly right-of-way line of State Highway 158 and being a point of deflection of this tract;

THENCE N 70°55' W with the northeasterly right-of-way line of said State Highway 158, a distance of 4453 to a point near the most southerly southwest corner of a 365.58 acre City of Midland tract as described in Volume 2308, Page 3, Official Public Records of Midland County and the southeast corner of Ralph H White tract also being a point of deflection of this tract;

THENCE N 15°31' W with the east line of said Ralph H White tract and a west line of said City of Midland Tract, a distance of 732 feet to a point near the northeast corner of said Ralph H White tract and being a point of deflection of this tract;

THENCE N 70°36' W with the north line of said Ralph H White tract, a distance of 171 feet to a point near the northwest corner of said Ralph H White tract and in the east line of a 1.00 acre City of Midland tract as described in Volume 2308, Page 3, Official Public Records of Midland County and being a point of deflection of this tract;

THENCE S 15°31' E with the west line of said Ralph H White tract and the east line of said 1.00 acre City of Midland tract, a distance of 733 feet to a point in the northeasterly right of-way line of said State Highway 158 and being a point of deflection of this tract;

THENCE N 70°55' W with the south line of said 1.00 acre City of Midland tract and the northeasterly right-of-way line of said State Highway 158, a distance of 415 feet to the southwest corner of said 1.00 acre City of Midland tract and being a point of deflection of this tract;

THENCE N 15°31' W with the west line of said 1.00 acre City of Midland tract, a distance of 1252 feet to the northwest corner of said 1.00 acre City of Midland and being a point of deflection of said 365.58 acre City of Midland tract also being a point of deflection of this tract;

THENCE S 75°57' W with a south line of said 365.58 acre City of Midland tract, a distance of 1419 feet to a point in the west line of Section 8, Block 38, T2S and being an ell corner of this tract;

THENCE N 14'10' W with the west line of said Section 8, a distance of 1274 feet to a point near the northwest corner of said Section 8 and being an ell corner of this tract;

THENCE N 75°49' E with the north line of said Section 8, a distance of 36 feet to a point near the southeast corner of Section 6, Block 38, T2S and being an ell corner of this tract;

THENCE N 14'12' W with the east line of said Section 6, a distance of 2124 feet to a point 1000 feet southerly of the southeasterly right-of-way line of said Interstate Highway 20 and being a point of deflection of this tract;

THENCE S 44°40' W southerly and parallel to the southeasterly right-of-way line of said Interstate Highway 20, a distance of 3968 feet to a point in the Midland city limits and being a point of deflection of this tract;

THENCE S 14°09' E with said city limits, a distance of 611 feet to the most southerly southeast corner of said city limits and being an ell corner of this tract;

THENCE S 75°32' W with the south line of said city limits, a distance of 10,595 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°23' E with the said city limits, a distance of 750 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°29' W with said city limits, a distance of 677 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°32' E with said city limits, a distance of 781 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°24' W with said city limits, a distance of 1675 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 14°23' W with said city limits, a distance of 1041 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°29' W with said city limits, a distance of 1000 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 14°23' W said city limits, a distance of 500 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°37' W with said city limits, a distance of 3137 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°18' E with said city limits, a distance of 570 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°42' W with said city limits, a distance of 1660 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 14°18' W with said city limits, a distance of 567 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°37' W with said city limits, a distance of 3390 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 15°02' E with said city limits, a distance of 709 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 74°54' W with said city limits, a distance of 1040 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 15°03' E with said city limits, a distance of 90 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°34' W with said city limits, a distance of 1064 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 14°40' W with said city limits, a distance of 817 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°44' W with said city limits, a distance of 559 feet to a point of curvature of said city limits and this tract;

THENCE around a curve to the left in a southwesterly direction and with said city limits, said curve having a radius length of 10,509 feet, a delta angle of 16°04', an arc length of 2947 feet and a chord length of 2937 feet bearing S 67°42" W to a point of tangency of said city limits and this tract;

THENCE S 59°40' W with said city limits, a distance of 6362 feet to the Point of Beginning, containing approximately 54,050 acres of land, more or less.

Bearings, distances and coordinates are relative to the Texas Coordinate System, 1983 NAD, Central Zone based on City of Midland's G.I.S Digital Map.

SECTION _____. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION _____. (a) Section 9016.111, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9016, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9016.111 to read as follows:

Sec. 9016.111. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

The amendment to **CSHB 725** was read.

Senator Uresti offered the following amendment to Floor Amendment No. 13:

Floor Amendment No. 14

Amend Amendment No. 13 by Seliger to **CSHB 725** as follows:

(1) At the end of added Subdivision (1), Section 9016.1111, Special District Local Laws Code (on page 6 of the amendment, line 28), strike "or".

(2) At the end of added Subdivision (2), Section 9016.1111, Special District Local Laws Code (on page 6 of the amendment, line 30), between "2011" and the period, insert the following:

; or

(3) outside the county

The amendment to Floor Amendment No. 13 to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Question recurring on the adoption of Floor Amendment No. 13 to **CSHB 725**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13 as amended.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSHB 725** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 49, Water Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. DISSOLUTION OF CERTAIN DISTRICTS

Sec. 49.335. DEFINITIONS. In this subchapter:

- (1) "City" means a municipality described by Section 49.336.
- (2) "City council" means the governing body of a city.
- (3) "District" means a district named in an ordinance adopted under Section

49.339.

- (4) "District board" means the district's board of directors.

Sec. 49.336. APPLICABILITY. This subchapter applies only to:

- (1) the district; and
- (2) a municipality:
 - (A) with a population greater than 100,000;
 - (B) located in a county that is within 25,000 feet of the Rio Grande;
 - (C) that is not a county seat; and
 - (D) that contains within its corporate boundaries or extraterritorial

jurisdiction more than half of the district's territory.

Sec. 49.337. DISSOLUTION OF DISTRICT; FINDINGS PREREQUISITE TO MOTION TO TRANSFER. (a) The district is dissolved on the later of:

- (1) September 1, 2011; or
- (2) the date a transfer ordinance adopted under Section 49.339 takes effect

under Section 49.342.

(b) At a regularly scheduled meeting of the city council, a city may propose an ordinance to allow the city to accept a transfer of the obligations, liabilities, and assets of the district if the city council finds that as of the date of the meeting:

- (1) at least 80 percent of the raw water diverted by the district in the preceding 12 months was diverted for use by the city;
- (2) the city is capable of assuming all rights and obligations of the district;
- (3) the city is capable of assuming responsibility for operating the district's facilities to benefit the district's existing customers and performing the services and functions performed by the district;

(4) dissolution of the district will result in an overall cost savings to city residents; and

(5) dissolution of the district will result in a more stable water supply for residents of the city and surrounding communities.

Sec. 49.338. HEARING REQUIRED. (a) Before a city may propose an ordinance described by Section 49.339, the city must conduct a public hearing on the issue.

(b) Notice of the public hearing must be:

(1) posted in accordance with the laws that apply to regular meetings of the city council; and

(2) mailed to each district board member.

Sec. 49.339. TRANSFER ORDINANCE. (a) After a city council has made the findings required by Section 49.337(b) and has conducted a public hearing as required by Section 49.338, the city council may adopt an ordinance allowing the city to accept a transfer of the district's obligations, liabilities, and assets.

(b) The ordinance must contain provisions that:

(1) eliminate the required payment of any flat tax or assessments paid to the district by landowners in the district;

(2) ensure that all water rights are held in trust by the city for the uses previously adjudicated;

(3) ensure that all individual water users are entitled to continue to use or have access to the same amount of water they were entitled to before the dissolution of the district;

(4) require the city to perform all the functions of the district, including the provision of services; and

(5) ensure delivery of water to landowners at or below the lowest comparable delivery charge imposed by any other irrigation district wholly located in the county in which the city is located.

(c) The ordinance takes effect only if two-thirds of the city council votes in favor of the ordinance.

Sec. 49.340. CITY CONSENT; DISTRICT DUTIES. (a) On or before the effective date of the ordinance described by Section 49.339, the district board shall provide the district's management and operational records to the city that passed the ordinance to ensure the orderly transfer of management and operational responsibility to the city.

(b) Without the consent of a majority of the members of a city council that publishes notice under Section 49.338(b), the district may not:

(1) sell, transfer, or encumber any district asset;

(2) issue debt or acquire additional obligations; or

(3) default on or fail to honor financial, legal, or other obligations of the district.

(c) Unless a majority of the members of a city council that publishes notice under Section 49.338(b) agree otherwise, the district shall:

(1) maintain assets of the district in an appropriate condition reflective of good stewardship and proper repair; and

(2) preserve district records, including information maintained by the district in electronic format.

(d) Any action undertaken by the district that does not comply with Subsection (b) is void.

(e) This section expires on the date a city that has published notice under Section 49.338(b) repeals the city's ordinance described by Section 49.339.

Sec. 49.341. PETITION BY VOTERS; SUSPENSION OR REPEAL OF ORDINANCE; ELECTION. (a) The voters of the district and of a city that enacts a transfer ordinance under this subchapter may object to the ordinance by filing a petition with the secretary of the city.

(b) The petition must be signed by at least five percent of the combined total of registered voters who reside in the city or any part of the district outside the city.

(c) The petition must be filed not later than the 30th day after the date the city council votes in favor of the transfer ordinance under Section 49.339(c).

(d) The city secretary shall verify the signatures on the petition and shall present the verified petition to the city council at the council's next scheduled meeting.

(e) On receipt of the petition, the city council shall suspend the effectiveness of the ordinance, and the city may not take action under the ordinance unless the ordinance is approved by the voters under Subsection (f).

(f) The city council shall reconsider the suspended ordinance at the next scheduled meeting of the council. If the city council does not repeal the transfer ordinance, the city council shall submit a proposition for or against enactment of the ordinance to the voters of the city and the district at an election held jointly by the city and the district on the next uniform election date. The transfer ordinance takes effect if a majority of the voters voting in that election vote in favor of the transfer.

Sec. 49.342. EFFECTIVE DATE OF TRANSFER. A transfer ordinance under this subchapter takes effect on the date:

(1) the period for filing a voter petition expires under Section 49.341(c), if a voter petition is not filed under that section; or

(2) the voters approve the transfer ordinance under Section 49.341(f).

Sec. 49.343. TRANSFER OF ASSETS. (a) On or before the effective date of a transfer ordinance under Section 49.342, the district shall:

(1) transfer to the city the ownership of any water rights and certificates of adjudication;

(2) transfer the assets, debts, and contractual rights and obligations of the district to the city; and

(3) provide notice and make recordings of the transfers under this section as required by the Water Code and other law.

(b) On receipt of notice of the transfer of a district certificate of adjudication, the Texas Commission on Environmental Quality shall note in its records that the certificate of adjudication is owned and held by the city. The Texas Commission on Environmental Quality shall transfer the district's certificate to the city as a ministerial act without further application, notice, or hearing. A person or other legal entity does not have a right to object to or to request an administrative review of a transfer made in accordance with this subchapter.

(c) The transfer of the district's water rights and any certificate of adjudication to the city does not affect or impair the priority, extent, validity, or purpose of the water rights or certificate.

Sec. 49.344. EXPIRATION. This subchapter expires January 1, 2016.

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 15.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSHB 725** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter D, Chapter 54, Water Code, is amended by adding Section 54.204 to read as follows:

Sec. 54.204. PUBLIC MEETINGS BEFORE CERTAIN WATER RATE INCREASES. (a) A wholesale supplier of water to a district that proposes to increase the rate the district pays for water must conduct at least two public meetings on the proposed rate increase in the district.

(b) The district may pass the increase along to the district's customers only after the public meetings have been held under Subsection (a).

(c) This section applies only to a proposed rate that is at least 200 percent higher than the rate the wholesale supplier charged the district at any time in the preceding 36-month period.

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 16.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 17

Amend the senate committee printing of **CSHB 725** by adding the following SECTIONS and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 36.118, Water Code, is amended by adding Subsections (e-1) and (e-2) to read as follows:

(e-1) Except as provided by Subsection (e-2), in addition to other remedies provided by law, the district is entitled to recover the district's attorney's fees, court costs, and reasonable expenses incurred in closing or capping the well from the owner of the land on which the well is located.

(e-2) An entity that drills a well to develop subsurface resources not owned by the landowner is liable for expenses incurred in closing or capping the well, unless the landowner assumes responsibility for the well.

SECTION _____. This Act takes effect September 1, 2011.

The amendment to **CSHB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 17.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSHB 725** (senate committee printing) in SECTION 3 of the bill, in the recital to Section 3 of the bill (page 1, lines 38-39), by striking the recital and substituting the following new recital and new Section 43.0751(f-1), Local Government Code, as follows:

SECTION 3. Section 43.0751, Local Government Code, is amended by adding Subsections (f-1) and (r) to read as follows:

(f-1) If a municipality regulates fireworks through a strategic partnership agreement entered into under this section, only the municipality's fire chief may issue a citation for a violation of a fireworks regulation entered into the agreement. If a municipality has multiple fire chiefs, the municipality must designate a single fire chief to issue the citations. This subsection does not affect any county authority related to the regulation of fireworks under Section 352.051 when drought conditions exist.

The amendment to **CSHB 725** was read.

Senator Lucio withdrew Floor Amendment No. 18.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 19

Amend **CSHB 725** (senate committee printing) as follows:

(1) Before SECTION 1 of the bill, between the enacting clause and "SECTION 1." (page 1, between lines 12 and 13), insert the following:

ARTICLE 1. GENERAL PROVISIONS

(2) Renumber the SECTIONS of ARTICLE 1 (page 1, line 13, through page 14, line 1) appropriately.

(3) In SECTION 39 of the bill (page 13, line 63), strike "Act" and substitute "article".

(4) In SECTION 40 of the bill (page 13, line 65), strike "this Act" and substitute "this article".

(5) In SECTION 40 of the bill (page 13, line 67), strike "this Act, take" and substitute "this article, take".

(6) After SECTION 40 of the bill (page 14, line 2), add the following appropriately numbered ARTICLES and SECTIONS:

ARTICLE __. HAYS COUNTY DEVELOPMENT DISTRICT NO. 1

SECTION __.01. Section 1, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The legislature finds that the creation of Hays County Development District No. 1 (the "district"), ~~and~~ the project approved by the Hays County Commissioners Court on January 11, 2000 (the "project"), and other improvement projects described by Section 5A will serve the public purpose of attracting visitors and tourists to Hays County and will result in employment and economic activity in the manner contemplated by Section 52-a, Article III, Texas Constitution, and Chapter 383, Local Government Code.

(c) The legislature further finds that the creation and operation of the district and the acquisition or financing of the project or an improvement project described by Section 5A by the district serve the purpose of Section 59, Article XVI, and Section 52, Article III, Texas Constitution, and that all steps necessary to create the district have been taken.

(d) The legislature further finds that the creation and continued operation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this Act.

SECTION __.02. Section 5, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 5. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by Chapters 375 and 383, Local Government Code, to county development districts and municipal management districts and by Chapters 49 and 54, Water Code, to municipal utility districts.

(b) The district's rights, powers, privileges, authority, functions, and duties include, [including] but are not limited to:

(1) the authority to levy, assess, and collect ad valorem taxes for the purposes approved at the elections conducted on November 7, 2000;

(2) the authority, after approval by voters at an election conducted within the boundaries of the district, to levy, assess and collect taxes for maintenance and operating purposes in the manner set forth in Sections 49.107(a)-(e), Water Code, and for the repayment of bonds, notes, warrants, lease purchase agreements, certificates of assessment, certificates of participation in lease purchase agreements, and other interest-bearing obligations in the manner set forth in Sections 49.106(a)-(d), Water Code, and for all of the purposes for which the district may expend funds;

(3) to establish, levy, and collect special assessments in the manner specified in Sections 375.111-375.124, Local Government Code; provided, however, that Sections 375.161-375.163, Local Government Code, shall not apply to the assessments imposed by the district;

(4) to utilize funds, whether the funds are derived from ad valorem taxes, sales and use taxes, hotel occupancy taxes, assessments, revenues from the project, or any other source, for payment of projects or services in the manner authorized by Section 375.181, Local Government Code, Chapter 54, Water Code, and Chapter 383, Local Government Code;

(5) to enter into obligations, including, but not limited to, lease purchase agreements, certificates of participation in lease purchase agreements, general obligation bonds and notes and revenue bonds and notes, and combination general obligation and revenue bonds and notes and other interest-bearing obligations, in the manner specified in Sections 375.201-375.205 [~~375.201-375.204~~], Local Government Code. To enter into these obligations, the district shall obtain only those approvals required for the issuance of obligations by Hays County by Chapter 53, Acts of the 70th Legislature, Second Called Session, 1987, and the approval of the attorney general;

(6) except as provided by Sections 5B and 5C, to adopt the powers of a road district under Section 52(b)(3), Article III, Texas Constitution, in the manner specified in Sections 53.029(c) and (d), Water Code;

(7) to levy, assess, and collect ad valorem taxes to make payments on a contract under Sections 49.108(a)-(d), Water Code, after obtaining those approvals specified in Section 1, Chapter 778, Acts of the 74th Legislature, Regular Session, 1995;

(8) to exercise all of the rights, powers, and authority of a road district, a municipal management district, and a municipal utility district ~~[water control and improvement district which are not specifically contradicted by Chapter 383, Local Government Code]~~; and

(9) to exercise all of the rights, powers, and authority granted to the district by this Act, and all of the rights, powers, and authority granted to the district by Chapters 383 and 375, Local Government Code, and to a municipal utility district by Chapters 49 and 54, Water Code, which are not contrary to [any provisions of] this Act, to finance, construct, or otherwise acquire an improvement project described by Section 5A or the project or any element of the project identified in the Commissioners Court Order Upon Hearing and Granting Petition Requesting the Creation of Hays County Development District No. 1 and Appointing Temporary Directors dated January 11, 2000, including, but not limited to, a [the] hotel, a residential area of a development, a trail or related feature, a commercial activity or endeavor, a [the] golf course, [the] water, sewer, drainage, and road improvements, [the] organizational costs, and [the] costs of issuance of the obligations of the district.

SECTION __.03. Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Sections 5A, 5B, 5C, 5D, and 5E to read as follows:

Sec. 5A. IMPROVEMENT PROJECTS. The district may provide, or it may contract with a governmental or private entity to provide, the following types of improvement projects or activities in support of or incidental to those projects:

(1) the project approved by the Hays County Commissioners Court on January 11, 2000, wholly or partly; or

(2) a public improvement, facility, or service provided by a municipal utility district or municipal management district.

Sec. 5B. ROAD DISTRICT POWERS; BALLOT. If the district adopts the powers described by Section 5(b)(6), a ballot authorized by Section 53.029(c), Water Code, must reference the "Hays County Development District No. 1."

Sec. 5C. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 5D. LIMIT ON POWERS GRANTED BY OTHER SPECIAL DISTRICT LAWS. Except as provided by this Act, the rights, powers, and authority of a road district, county development district, municipal management district, or municipal utility district granted by this Act may be exercised only in the manner provided by:

(1) Chapter 375, Local Government Code, to a municipal management district;

(2) Chapter 383, Local Government Code, to a county development district;
and

(3) Chapters 49 and 54, Water Code, to a municipal utility district, including review and approval by the Texas Commission on Environmental Quality for water and wastewater improvements.

Sec. 5E. LIMIT ON EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain outside the district and in the corporate limits or extraterritorial jurisdiction of a municipality unless the governing body of the municipality consents by ordinance or resolution.

SECTION __.04. Section 8, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 8. LEGISLATIVE FINDINGS. [~~The legislature finds that the principal function of the district is to provide for development and operation of the project, to facilitate economic development, and to attract visitors and tourists, which will result in employment and economic activity in Hays County.~~] The legislature finds that the district may provide water and sewer, landscaping, road, drainage, and reclamation services to residential retail or commercial customers in the district. Except for purposes of Section 49.052, Water Code, the [~~The~~] district is a district described in Section 49.181(h)(4), Water Code.

SECTION __.05. Section 9, Chapter 1503, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 9. ADDITION AND EXCLUSION OF LANDS. (a) Except as provided by Subsection (b), in [~~in~~] addition to the authority granted to the district by Section 383.084, Local Government Code, the district may add lands in the manner provided by Section 49.301, Water Code, and may exclude lands in the methods provided by Sections 49.303 through 49.308, Water Code.

(b) Section 42.0425, Local Government Code, applies to the annexation of property in the extraterritorial jurisdiction of a municipality.

SECTION __.06. The legislature confirms and validates all actions of the Hays County Development District No. 1 that were taken before May 1, 2011, including any elections conducted by the district, including any election to impose maintenance and operation taxes or to adopt the powers of a road district.

SECTION __.07. (a) The legal notice of the intention to introduce this article, setting forth the general substance of this article, has been published as provided by law, and the notice and a copy of this article have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The Texas Commission on Environmental Quality has filed its recommendations relating to this article with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article are fulfilled and accomplished.

SECTION __.08. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to **CSHB 725** was read and was adopted by the following vote: Yeas 31, Nays 0.

VOTE RECONSIDERED

Senator Nichols moved to reconsider the vote by which Floor Amendment No. 6 to **CSHB 725** was tabled.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Harris, Jackson, Nelson, Nichols, Ogden, Seliger, Shapiro, Watson, West, Zaffirini.

Nays: Duncan, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Patrick, Rodriguez, Uresti, Van de Putte, Wentworth, Whitmire, Williams.

Question — Shall Floor Amendment No. 6 to **CSHB 725** be adopted?

Floor Amendment No. 6 to **CSHB 725** was adopted by the following vote: Yeas 18, Nays 13.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Harris, Jackson, Nelson, Nichols, Ogden, Seliger, Shapiro, Watson, West, Zaffirini.

Nays: Duncan, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Patrick, Rodriguez, Uresti, Van de Putte, Wentworth, Whitmire, Williams.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 725 as amended was passed to third reading by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nelson.

COMMITTEE SUBSTITUTE HOUSE BILL 725 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 725** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nelson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3595 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSHB 3595** at this time on its second reading:

CSHB 3595, Relating to energy efficiency goals and energy efficiency programs.

The motion prevailed.

Senators Birdwell, Estes, Fraser, Harris, Jackson, Nichols, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3595** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) This section may be cited as the Energy Policy Act.

(b) The Utilities Code is amended by adding Title 6 to read as follows:

TITLE 6. ENERGY POLICY ACT

CHAPTER 300. STRATEGIC ENERGY PLANNING

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 300.001. PURPOSE AND FINDINGS. (a) This title is enacted to promote, in accordance with the public interest, the strategic planning of energy development, production, delivery, commercialization, and utilization in this state.

(b) The purpose of this title is to establish a statewide energy policy planning entity and process that recognizes:

(1) public health and general welfare as a critical concern in the development of energy policies;

(2) energy as a valuable and vital commodity in the state's economy;

(3) protection of the environment as a major consideration in the production of energy and utilization of natural resources;

(4) cost-effective, market-based solutions as a preferred policy for energy planning;

(5) utilization of Texas-based resources to help provide energy security, stability, and reliability; and

(6) the importance of portfolio diversity in promoting energy system flexibility, affordability, and efficiency.

Sec. 300.002. DEFINITIONS. In this title:

- (1) "Commission" means the Public Utility Commission of Texas.
- (2) "Council" means the Texas Energy Policy Council.
- (3) "Plan" means the statewide energy policy plan.

Sec. 300.003. TEXAS ENERGY POLICY COUNCIL. (a) The Texas Energy Policy Council is created to develop and present a statewide energy policy plan to the legislature. The plan must include a 20-year planning horizon and be updated to reflect changing conditions and should be considered a living document.

(b) The council is composed of 13 members as follows:

- (1) the chairman of the Public Utility Commission of Texas;
- (2) the chairman of the Railroad Commission of Texas;
- (3) the chairman of the Texas Commission on Environmental Quality;
- (4) the president and chief executive officer of the Electric Reliability

Council of Texas;

- (5) the commissioner of the General Land Office;
- (6) two members of the senate appointed by the lieutenant governor;
- (7) two members of the house of representatives appointed by the speaker of

the house of representatives;

- (8) one member of the academic community with expertise in energy appointed by the governor;

(9) one member of the academic community with expertise in environmental issues related to energy appointed by the governor;

- (10) the director of the State Energy Conservation Office; and

(11) one member of the public with expertise in low-income energy issues, including the needs of low-income and vulnerable ratepayers, appointed by the governor.

(c) The governor shall designate the presiding officer from among the members of the council.

(d) An appointed member of the council serves for a full planning cycle and may be reappointed at the pleasure of the appointing official.

(e) The council shall meet at least quarterly in even-numbered years while developing a plan for submission to the legislature. The council may meet annually in odd-numbered years after submitting plans to the legislature.

(f) The council shall develop and implement policies and procedures that provide the public with reasonable opportunity to appear before the council and to speak on issues under the jurisdiction of the council.

(g) The commission is designated as the state agency responsible for administering the council. Staff from the commission shall be tasked, as necessary, with assisting the council in carrying out its duties.

Sec. 300.004. POWERS, DUTIES, AND RESPONSIBILITIES OF COUNCIL.

(a) In developing the plan, the council shall:

(1) encourage cooperation and coordination between public and private entities regarding energy usage, planning, research and development, and commercialization;

(2) seek policies that promote a diverse portfolio of clean, reliable, and competitively priced energy sources;

(3) promote research, pilot projects, and market-based incentives to explore and expand long-term energy options;

(4) develop policies to prevent supply interruptions and infrastructure failure;

(5) examine the impact on the environment of energy exploration, production, and use;

(6) take into account the statewide and regional water planning process;

(7) make recommendations for increasing public knowledge of energy use issues and public awareness of the importance of more efficient consumption of energy; and

(8) take into account the needs of low-income and vulnerable Texans.

(b) The council shall submit to the legislature the initial plan by December 1, 2012. Thereafter, the council shall report to the legislature by December 1 of each even-numbered year the status of the plan's implementation and make any recommendations for legislative action as necessary to implement or revise the plan. The council may update the plan as necessary to reflect evolving conditions.

Sec. 300.005. FUELS AND TECHNOLOGIES. (a) The council shall consider the following fuel sources, types of generation, and innovative technologies associated with these fuels and types of generation when creating the plan. These fuels, types of generation, and technologies include:

(1) oil and natural gas;

(2) coal and lignite;

(3) nuclear;

(4) renewable energy technologies;

(5) geothermal;

(6) methane;

(7) distributed generation;

(8) fuel cells and storage;

(9) water conservation technologies that could be utilized in the exploration, production, and generation of energy resources; and

(10) any other fuels and technologies as defined in Section 39.904(d), including solar and wind technologies.

(b) The council shall develop policies that ensure fuel resources available to the state are utilized in a balanced and efficient manner. The council shall consider the economic viability, price stability and volatility, and environmental impact of types of fuel and technology when making its recommendations. The council shall also consider all types of generation technology to identify in its recommendations current or potential operational or administrative advantages or disadvantages of each type of technology to which a protocol of the Electric Reliability Council of Texas applies.

Sec. 300.006. ENERGY EFFICIENT TECHNOLOGY. (a) In order to reduce the energy demand of customers in this state, the council shall consider energy-efficient technologies when formulating the plan and include them in its recommendations. Energy-efficient technologies shall be considered for the following:

(1) residential, commercial, industrial, and state and local energy users; and

(2) any other user group or application the council deems appropriate.

(b) The council shall consider the economic viability and competitiveness of new technologies when making its recommendations.

(c) The council shall consider the ability of energy-efficient technologies to reduce the demand for energy and the need for additional transmission capacity in the state and shall consider opportunities for reducing transmission constraints by using these technologies.

Sec. 300.007. TRANSMISSION. (a) The council shall consider and recommend strategies to ensure that customers in this state have access to reliable energy.

(b) The council shall consider transmission constraints, and make recommendations in the plan to alleviate or prevent those constraints, for the following sources of energy:

- (1) oil and natural gas;
- (2) coal and lignite;
- (3) wind and solar; and
- (4) electricity.

Sec. 300.008. ALTERNATIVE FUEL VEHICLES. (a) The council shall consider and make recommendations on strategies and incentives that promote the use of alternative fuel vehicles such as natural gas vehicles and plug-in electric vehicles.

(b) The council shall consider the economic feasibility of alternative fuel vehicles and infrastructure constraints and may make recommendations on incentives to incorporate and promote these vehicles as a component of the plan.

Sec. 300.009. ENVIRONMENT. (a) The council, when creating the plan or in formulating recommendations, shall consider the effects of energy exploration, production, and consumption on the environment.

(b) The council shall recommend strategies that protect and preserve the environment of the state and allow for access to and the production of safe, economically viable, and reliable sources of energy. The council shall consider:

- (1) air quality;
- (2) water quality;
- (3) water supply; and
- (4) waste disposal.

SECTION ____. Chapter 39, Utilities Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. REPORT ON RESERVES AND VOLUNTARY EMISSIONS
REDUCTIONS PLAN

Sec. 39.551. STATEMENT OF INTENT. It is not the intent of this subchapter to:

- (1) transfer environmental regulation from the Railroad Commission of Texas or the Texas Commission on Environmental Quality to the commission; or
- (2) reduce the competitiveness of the existing energy market in Texas by re-regulating the market or requiring the decommissioning of any lawfully operating generating plant.

Sec. 39.552. REPORT ON RESERVES. (a) Not later than December 1, 2011, the Railroad Commission of Texas shall prepare and submit to the commission a report on coal and gas reserves in this state that includes information relating to:

(1) natural gas reserves in this state proven and probable on November 1, 2011;

(2) estimates of the proven and probable natural gas reserves in this state for each of the next 15 years;

(3) estimates of natural gas prices and potential price volatility for each of the next 15 years;

(4) coal reserves in this state proven and probable on November 1, 2011;

(5) estimates of the proven and probable coal reserves in this state for each of the next 15 years; and

(6) estimates of coal prices and potential price volatility for each of the next 15 years.

(b) The Railroad Commission of Texas may request financial information and forecasts from the comptroller to assist the Railroad Commission of Texas in carrying out its duties under this section. The comptroller shall provide that information and those forecasts to the Railroad Commission of Texas as quickly as possible after receiving such request.

Sec. 39.553. REPORT AND PLAN. (a) The commission shall prepare a report on electric energy generation in this state. The report must include an analysis of and policy recommendations for how to most cost-effectively comply with environmental regulation.

(b) In preparing the report, the commission shall:

(1) analyze information from the reports submitted under this subchapter by electric generating facilities and the Railroad Commission of Texas; and

(2) use information already in the possession of existing regulators by consulting with the Railroad Commission of Texas, the Texas Commission on Environmental Quality, the Electric Reliability Council of Texas, the Southwest Power Pool, the Southeastern Electric Reliability Council, and the Western Electricity Coordinating Council.

(c) The report must evaluate and consider measures that will:

(1) maintain electric grid reliability;

(2) ensure the availability of electric energy at reasonable rates;

(3) reduce air pollution, as defined by Section 382.003, Health and Safety

Code;

(4) increase the state's ability to comply with state and federal clean air standards in nonattainment and near-nonattainment areas; and

(5) reduce the use of water for electricity generation in this state.

(d) The report must identify the 10 percent of electric generation capacity that will be most impacted by compliance with environmental regulation.

(e) The report must identify combinations of market factors, plant operating characteristics, federal and state environmental regulations promulgated after January 1, 2011, and other conditions that might make it more economically attractive for the electric generation capacity identified in the report to be retired rather than comply with the regulations. The market factors considered in the analysis must include:

(1) long-term prices and price volatility for fuel sources used to generate electricity in this state;

(2) price projections for the cost of electricity going forward and factors that are relevant to determining the market price of electricity; and

(3) the potential impact of the voluntary decommissioning of existing units of electric generation capacity from facilities in this state.

(f) The report must consider plant operating characteristics including variable and fixed operating costs of electric generation facilities identified in the report. The analysis must also incorporate a range of costs projected by credible sources for complying with the specified federal and state air pollution regulations. In conducting this analysis, the commission shall consider electric generation facilities in this state of various vintages, sizes, fuel types, conversion efficiencies, and emission characteristics. The analysis must:

(1) estimate the amount of electric generation capacity that is likely to voluntarily be retired rather than incur the additional expense of complying with the federal and state air pollution regulations;

(2) provide an analysis of the cost and the impact on electric rates, and provide price projections, associated with voluntarily retiring electric generation facilities included in the report;

(3) identify any additional barriers to the retirement of the types of electric generation capacity identified and provide recommendations on how to most cost-effectively and voluntarily reduce air pollution, including recommendations to accelerate the permitting process for certain types of low-polluting generation; and

(4) identify the types, costs, and effects of incentives to promote the goals of this section.

(g) Not later than October 1, 2012, the commission shall make a draft of the report available for public review and comment for a period of not less than 30 days.

(h) Not later than December 1, 2012, the commission shall finalize and publish the report.

(i) Implementation of the requirements of this section shall be contingent upon receiving gifts, grants, or donations sufficient to cover the expenses incurred by the commission.

SECTION _____. As soon as practicable after the effective date of this Act, the designated appointing officials shall appoint the members to the Texas Energy Policy Council established under Chapter 300, Utilities Code, as added by this Act.

SECTION _____. This Act takes effect September 1, 2011.

(2) Strike SECTION 4 of the bill (page 4, lines 51-55).

The amendment to **CSHB 3595** was read.

Senator Fraser withdrew Floor Amendment No. 1.

CSHB 3595 was passed to third reading by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Fraser, Harris, Jackson, Nichols, Patrick, Shapiro.

HOUSE BILL 3864 REREFERRED
(Motion In Writing)

Senator Deuell submitted a Motion In Writing requesting that **HB 3864** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

SENATE BILL 1811 WITH HOUSE AMENDMENTS

Senator Duncan called **SB 1811** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1811** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to certain state fiscal matters; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF
CHARGES GENERALLY

SECTION 1.01. This article applies to each state agency, as that term is defined by Section 317.001, Government Code.

SECTION 1.02. Notwithstanding any other statute of this state, each state agency to which this article applies is authorized to reduce or recover expenditures by:

(1) consolidating any reports or publications the agency is required to make and filing or delivering any of those reports or publications exclusively by electronic means;

(2) extending the effective period of any license, permit, or registration the agency grants or administers;

(3) entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties;

(4) modifying eligibility requirements for, the processes used to determine eligibility for, and the services provided to persons who receive benefits under any law the agency administers, including benefits and services required by federal law, to ensure that those benefits are received by the most deserving persons consistent with the purposes for which the benefits are provided;

(5) providing that any communication between the agency and another person and any document required to be delivered to or by the agency, including any application, notice, billing statement, receipt, or certificate, may be made or delivered by e-mail or through the Internet; and

(6) adopting and collecting fees or charges to cover any costs the agency incurs in performing its lawful functions.

ARTICLE 2. FISCAL MATTERS REGARDING REGULATION AND TAXATION OF INSURERS

SECTION 2.01. Section 463.160, Insurance Code, is amended to read as follows:

Sec. 463.160. PREMIUM TAX CREDIT FOR CLASS A ASSESSMENT. The amount of a Class A assessment paid by a member insurer in each taxable year shall be allowed as a credit on the amount of premium taxes due ~~[in the same manner as a credit is allowed under Section 401.151(e)].~~

SECTION 2.02. Sections 221.006, 222.007, 223.009, 401.151(e), and 401.154, Insurance Code, are repealed.

SECTION 2.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE 3. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS

SECTION 3.01. Subchapter B, Chapter 31, Human Resources Code, is amended by adding Section 31.0326 to read as follows:

Sec. 31.0326. VERIFICATION OF IDENTITY AND PREVENTION OF DUPLICATE PARTICIPATION. The Health and Human Services Commission shall use appropriate technology to:

(1) confirm the identity of applicants for benefits under the financial assistance program; and

(2) prevent duplicate participation in the program by a person.

SECTION 3.02. Chapter 33, Human Resources Code, is amended by adding Section 33.0231 to read as follows:

Sec. 33.0231. VERIFICATION OF IDENTITY AND PREVENTION OF DUPLICATE PARTICIPATION. The department shall use appropriate technology to:

(1) confirm the identity of applicants for benefits under the supplemental nutrition assistance program; and

(2) prevent duplicate participation in the program by a person.

SECTION 3.03. Section 31.0325, Human Resources Code, is repealed.

SECTION 3.04. If before implementing Section 31.0326 or 33.0231, Human Resources Code, as added by this article, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that law, the agency shall request the waiver or authorization and may delay implementing that law until the waiver or authorization is granted.

SECTION 3.05. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE 4. TAX RECORDS

SECTION 4.01. Section 2153.201, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A record required under Subsection (a) must:

(1) be available at all times for inspection by the attorney general, the comptroller, or an authorized representative of the attorney general or comptroller as provided by Subsection (c);

(2) include information relating to:

(A) the kind of each machine;

(B) the date each machine is:

(i) acquired or received in this state; and

(ii) placed in operation;

(C) the location of each machine, including the:

(i) county;

(ii) municipality, if any; and

(iii) street or rural route number;

(D) the name and complete address of each operator of each machine;

(E) if the owner is an individual, the full name and address of the

owner; and

(F) if the owner is not an individual, the name and address of each principal officer or member of the owner; and

(3) be maintained[:

~~[(A)] at a permanent address in this state designated on the application for a license under Section 2153.153[; and~~

~~[(B) until the second anniversary of the date the owner ceases ownership of the machine that is the subject of the record].~~

(c) A record required under Subsection (a) must be available for inspection under Subsection (b) for at least four years and as required by Section 111.0041, Tax Code.

SECTION 4.02. Section 111.0041, Tax Code, is amended to read as follows:

Sec. 111.0041. RECORDS; BURDEN TO PRODUCE AND SUBSTANTIATE CLAIMS. (a) Except as provided by Subsection (b), a [Any] taxpayer who is required by this title to keep records shall keep those records open to inspection by the comptroller, the attorney general, or the authorized representatives of either of them for at least four years.

(b) A taxpayer is required to keep records open for inspection under Subsection (a) for more than four years throughout any period when:

(1) any tax, penalty, or interest may be assessed, collected, or refunded by the comptroller; or

(2) an administrative hearing is pending before the comptroller, or a judicial proceeding is pending, to determine the amount of the tax, penalty, or interest that is to be assessed, collected, or refunded.

(c) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the period in question to substantiate and enable verification of the taxpayer's claim related to the amount of tax, penalty, or interest to be assessed, collected, or refunded in an administrative or judicial proceeding. Contemporaneous records and supporting documentation appropriate to the tax or fee include invoices, vouchers, checks, shipping records, contracts, and other written documentation reflecting legal relationships and taxes collected or paid.

(d) Summary records submitted by the taxpayer, including accounting journals and ledgers, without supporting contemporaneous records and documentation for the period in question are not sufficient to substantiate and enable verification of the taxpayer's claim regarding the amount of tax, penalty, or interest that may be assessed, collected, or refunded.

(e) This section prevails over any other conflicting provision of this title.

SECTION 4.03. Section 112.052, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the period in question to substantiate and enable verification of a taxpayer's claim relating to the amount of the tax, penalty, or interest that is to be assessed, collected, or refunded, as required by Section 111.0041.

SECTION 4.04. Section 112.151, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the period in question to substantiate and enable verification of a taxpayer's claim relating to the amount of the tax, penalty, or interest that is to be assessed, collected, or refunded, as required by Section 111.0041.

SECTION 4.05. Section 151.025(b), Tax Code, is amended to read as follows:

(b) A record required by Subsection (a) ~~[of this section]~~ shall be kept for not less than four years from the date ~~[day]~~ that it is made unless:

- (1) the comptroller authorizes in writing its destruction at an earlier date; or
- (2) Section 111.0041 requires that the record be kept for a longer period.

SECTION 4.06. Section 152.063, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) Section 111.0041 applies to a person required to keep records under this chapter.

SECTION 4.07. Section 152.0635, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) Section 111.0041 applies to a person required to keep records under this chapter.

SECTION 4.08. Section 154.209(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 111.0041, each ~~[Each]~~ permit holder shall keep records available for inspection and copying by the comptroller and the attorney general for at least four years.

SECTION 4.09. Section 155.110(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 111.0041, each ~~[Each]~~ permit holder shall keep records available for inspection and copying by the comptroller and the attorney general for at least four years.

SECTION 4.10. Section 160.046, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) A person required to keep records under this section shall also keep the records as required by Section 111.0041.

SECTION 4.11. Subchapter A, Chapter 162, Tax Code, is amended by adding Section 162.0125 to read as follows:

Sec. 162.0125. DUTY TO KEEP RECORDS. A person required to keep a record under this chapter shall also keep the record as required by Section 111.0041.

SECTION 4.12. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE 5. COLLECTION IMPROVEMENT PROGRAM

SECTION 5.01. Articles 103.0033(f), (h), (i), and (j), Code of Criminal Procedure, are amended to read as follows:

(f) The ~~[comptroller, in cooperation with the]~~ office~~[-]~~ shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office [comptroller] shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) The office~~[-, in consultation with the comptroller,]~~ may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

(2) determine whether it is not cost-effective to implement a program in a county or municipality and grant a waiver to the county or municipality.

(i) Each county and municipality shall at least annually submit to the office ~~[and the comptroller]~~ a written report that includes updated information regarding the program, as determined by the office ~~[in cooperation with the comptroller]~~. The report must be in a form approved by the office ~~[in cooperation with the comptroller]~~.

(j) The office [comptroller] shall periodically audit counties and municipalities to verify information reported under Subsection (i) and confirm that the county or municipality is conforming with requirements relating to the program. ~~[The comptroller shall consult with the office in determining how frequently to conduct audits under this section.]~~

SECTION 5.02. Section 133.058(e), Local Government Code, is amended to read as follows:

(e) A municipality or county may not retain a service fee if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System [comptroller] determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality or county may continue to retain a service fee under this section on receipt of a written confirmation from the Office of Court Administration of the Texas Judicial System [comptroller] that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 5.03. Section 133.103(c-1), Local Government Code, is amended to read as follows:

(c-1) The treasurer shall send 100 percent of the fees collected under this section to the comptroller if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the

Texas Judicial System [~~comptroller~~] determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality or county shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the Office of Court Administration of the Texas Judicial System [~~comptroller~~] that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 5.04. This article takes effect September 1, 2011.

ARTICLE 6. PENALTIES FOR FAILURE TO REPORT OR REMIT
CERTAIN TAXES OR FEES

SECTION 6.01. Section 111.00455(b), Tax Code, is amended to read as follows:

(b) The following are not contested cases under Subsection (a) and Section 2003.101, Government Code:

(1) a show cause hearing or any hearing not related to the collection, receipt, administration, or enforcement of the amount of a tax or fee imposed, or the penalty or interest associated with that amount, except for a hearing under Section 151.157(f), 151.1575(c), 151.712(g), 154.1142, or 155.0592;

(2) a property value study hearing under Subchapter M, Chapter 403, Government Code;

(3) a hearing in which the issue relates to:

(A) Chapters 72-75, Property Code;

(B) forfeiture of a right to do business;

(C) a certificate of authority;

(D) articles of incorporation;

(E) a penalty imposed under Section 151.703(d) [~~151.7034~~];

(F) the refusal or failure to settle under Section 111.101; or

(G) a request for or revocation of an exemption from taxation; and

(4) any other hearing not related to the collection, receipt, administration, or enforcement of the amount of a tax or fee imposed, or the penalty or interest associated with that amount.

SECTION 6.02. Section 151.433(f), Tax Code, is amended to read as follows:

(f) If a person fails to file a report required by this section or fails to file a complete report, the comptroller may suspend or cancel one or more permits issued to the person under Section 151.203 and may impose a civil or criminal penalty, or both, under Section 151.703(d) [~~151.7034~~] or 151.709.

SECTION 6.03. Section 151.703, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to any other penalty authorized by this section, a person who fails to file a report as required by this chapter shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the taxpayer subsequently files the report or whether any taxes were due from the taxpayer for the reporting period under the required report.

SECTION 6.04. Section 152.045, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to any other penalty provided by law, the owner of a motor vehicle subject to the tax on gross rental receipts who is required to file a report as provided by this chapter and who fails to timely file the report shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the taxpayer subsequently files the report or whether any taxes were due from the taxpayer for the reporting period under the required report.

SECTION 6.05. Section 152.047, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) In addition to any other penalty provided by law, the seller of a motor vehicle sold in a seller-financed sale who is required to file a report as provided by this chapter and who fails to timely file the report shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the taxpayer subsequently files the report or whether any taxes were due from the taxpayer for the reporting period under the required report.

SECTION 6.06. Section 156.202, Tax Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The minimum penalty under Subsections (a) and (b) [this section] is \$1.

(d) In addition to any other penalty authorized by this section, a person who fails to file a report as required by this chapter shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the taxpayer subsequently files the report or whether any taxes were due from the taxpayer for the reporting period under the required report.

SECTION 6.07. Section 162.401, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to any other penalty authorized by this section, a person who fails to file a report as required by this chapter shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the taxpayer subsequently files the report or whether any taxes were due from the taxpayer for the reporting period under the required report.

SECTION 6.08. Section 171.362, Tax Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) The minimum penalty under Subsections (a) and (b) [this section] is \$1.

(f) In addition to any other penalty authorized by this section, a taxable entity who fails to file a report as required by this chapter shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the taxable entity subsequently files the report or whether any taxes were due from the taxable entity for the reporting period under the required report.

SECTION 6.09. Subchapter B, Chapter 183, Tax Code, is amended by adding Section 183.024 to read as follows:

Sec. 183.024. FAILURE TO PAY TAX OR FILE REPORT. (a) A permittee who fails to file a report as required by this chapter or who fails to pay a tax imposed by this chapter when due shall pay five percent of the amount due as a penalty, and if the permittee fails to file the report or pay the tax within 30 days after the day the tax or report is due, the permittee shall pay an additional five percent of the amount due as an additional penalty.

(b) The minimum penalty under Subsection (a) is \$1.

(c) A delinquent tax draws interest beginning 60 days from the due date.

(d) In addition to any other penalty authorized by this section, a permittee who fails to file a report as required by this chapter shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the permittee subsequently files the report or whether any taxes were due from the permittee for the reporting period under the required report.

SECTION 6.10. Section 771.0712, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A seller who fails to file a report or remit a fee collected or payable as provided by this section and comptroller rules shall pay five percent of the amount due and payable as a penalty, and if the seller fails to file the report or remit the fee within 30 days after the day the fee or report is due, the seller shall pay an additional five percent of the amount due and payable as an additional penalty.

(d) In addition to any other penalty authorized by this section, a seller who fails to file a report as provided by this section shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the seller subsequently files the report or whether any taxes were due from the seller for the reporting period under the required report.

SECTION 6.11. Section 151.7031, Tax Code, is repealed.

SECTION 6.12. The change in law made by this article applies only to a report due or a tax or fee due and payable on or after the effective date of this article. A report due or a tax or fee due and payable before the effective date of this article is governed by the law in effect at that time, and that law is continued in effect for that purpose.

SECTION 6.13. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE 7. CERTAIN FOUNDATION SCHOOL PROGRAM PAYMENTS

SECTION 7.01. Sections 42.259(c), (d), and (f), Education Code, are amended to read as follows:

(c) Payments from the foundation school fund to each category 2 school district shall be made as follows:

(1) 22 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of September of a fiscal year;

(2) 18 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of October;

(3) 9.5 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of November;

(4) 7.5 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of April;

(5) five percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of May;

(6) 10 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of June;

(7) 13 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of July; and

(8) 15 percent of the yearly entitlement of the district shall be paid in an installment to be made after the 5th day of September and not later than the 10th day of September of the calendar year following the calendar year of the payment made under Subdivision (1) ~~[on or before the 25th day of August]~~.

(d) Payments from the foundation school fund to each category 3 school district shall be made as follows:

(1) 45 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of September of a fiscal year;

(2) 35 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of October; and

(3) 20 percent of the yearly entitlement of the district shall be paid in an installment to be made after the 5th day of September and not later than the 10th day of September of the calendar year following the calendar year of the payment made under Subdivision (1) ~~[on or before the 25th day of August]~~.

(f) Except as provided by Subsection (c)(8) or (d)(3), any ~~[Any]~~ previously unpaid additional funds from prior fiscal years owed to a district shall be paid to the district together with the September payment of the current fiscal year entitlement.

SECTION 7.02. Section 466.355(c), Government Code, is repealed.

SECTION 7.03. The changes made by this article to Section 42.259, Education Code, apply only to a payment from the foundation school fund that is made on or after the effective date of this article. A payment to a school district from the foundation school fund that is made before that date is governed by Section 42.259, Education Code, as it existed before amendment by this article, and the former law is continued in effect for that purpose.

SECTION 7.04. This article takes effect September 1, 2011.

ARTICLE 8. UNCLAIMED PROPERTY

SECTION 8.01. Section 74.101(a), Property Code, is amended to read as follows:

(a) Each holder who on June 1 ~~[30]~~ holds property that is presumed abandoned under Chapter 72, 73, or 75 of this code or under Chapter 154, Finance Code, shall file a report of that property on or before the following July ~~[November]~~ 1. The comptroller may require the report to be in a particular format, including a format that can be read by a computer.

SECTION 8.02. Section 74.1011(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a holder who on June 1 ~~[30]~~ holds property valued at more than \$250 that is presumed abandoned under Chapter 72, 73, or 75 of this code or Chapter 154, Finance Code, shall, on or before the preceding May ~~[following August]~~ 1, mail to the last known address of the known owner written notice stating that:

(1) the holder is holding the property; and

(2) the holder may be required to deliver the property to the comptroller on or before July ~~[November]~~ 1 if the property is not claimed.

SECTION 8.03. Sections 74.301(a) and (c), Property Code, are amended to read as follows:

(a) Except as provided by Subsection (c), each holder who on June 1 ~~[30]~~ holds property that is presumed abandoned under Chapter 72, 73, or 75 shall deliver the property to the comptroller on or before the following July ~~[November]~~ 1 accompanied by the report required to be filed under Section 74.101.

(c) If the property subject to delivery under Subsection (a) is the contents of a safe deposit box, the comptroller may instruct a holder to deliver the property on a specified date before July ~~[November]~~ 1 of the following year.

SECTION 8.04. Section 74.708, Property Code, is amended to read as follows:

Sec. 74.708. PROPERTY HELD IN TRUST. A holder who on June 1 ~~[30]~~ holds property presumed abandoned under Chapters 72-75 holds the property in trust for the benefit of the state on behalf of the missing owner and is liable to the state for the full value of the property, plus any accrued interest and penalty. A holder is not required by this section to segregate or establish trust accounts for the property provided the property is timely delivered to the comptroller in accordance with Section 74.301.

SECTION 8.05. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2011.

(b) Sections 74.101(a), 74.1011(a), 74.301(a) and (c), and 74.708, Property Code, as amended by this article, take effect January 1, 2013.

ARTICLE 9. FISCAL MATTERS RELATED TO VOTER REGISTRATION

SECTION 9.01. Sections 18.065(b), (c), and (d), Election Code, are amended to read as follows:

(b) On determining that a registrar is not in substantial compliance, the secretary shall deliver written notice of the noncompliance to:

~~[(1)]~~ the registrar and include ~~[-, including]~~ in the notice a description of the violation and an explanation of the action necessary for substantial compliance and of the consequences of noncompliance; ~~and~~

~~[(2) the comptroller of public accounts, including in the notice the identity of the noncomplying registrar].~~

(c) On determining that a noncomplying registrar has corrected the violation and is in substantial compliance, the secretary shall deliver written notice to the registrar ~~[and to the comptroller]~~ that the registrar is in substantial compliance.

(d) ~~[The comptroller shall retain a notice received under this section on file until July 1 following the voting year in which it is received.]~~ The secretary shall retain a copy of each notice the secretary delivers under this section for two years after the date the notice is delivered.

SECTION 9.02. Section 19.001(a), Election Code, is amended to read as follows:

(a) Before May 15 of each year, the registrar shall prepare and submit to the secretary of state ~~[comptroller of public accounts]~~ a statement containing:

(1) the total number of initial registrations for the previous voting year;

(2) the total number of registrations canceled under Sections 16.031(a)(1), 16.033, and 16.0332 for the previous voting year; and

(3) the total number of registrations for which information was updated for the previous voting year.

SECTION 9.03. The heading to Section 19.002, Election Code, is amended to read as follows:

Sec. 19.002. PAYMENTS [~~ISSUANCE OF WARRANTS BY COMPTROLLER~~].

SECTION 9.04. Sections 19.002(b) and (d), Election Code, are amended to read as follows:

(b) After June 1 of each year, the secretary of state [~~comptroller of public accounts~~] shall make payments [~~issue warrants~~] pursuant to vouchers submitted by the registrar and approved by the secretary of state in amounts that in the aggregate do not exceed the registrar's entitlement. The secretary of state shall prescribe the procedures necessary to implement this subsection.

(d) The secretary of state [~~comptroller~~] may not make a payment under Subsection (b) [~~issue a warrant~~] if on June 1 of the year in which the payment [~~warrant~~] is to be made [~~issued the most recent notice received by the comptroller from the secretary of state under Section 18.065 indicates that~~] the registrar is not in substantial compliance with Section 15.083, 16.032, 18.042, or 18.065 or with rules implementing the registration service program.

SECTION 9.05. The heading to Section 19.0025, Election Code, is amended to read as follows:

Sec. 19.0025. ELECTRONIC ADMINISTRATION OF VOUCHERS AND PAYMENTS [~~WARRANTS~~].

SECTION 9.06. Section 19.0025(a), Election Code, is amended to read as follows:

(a) The secretary of state shall establish and maintain an online electronic system for administering vouchers submitted and payments made [~~warrants issued~~] under Section 19.002.

SECTION 9.07. Section 19.002(c), Election Code, is repealed.

SECTION 9.08. This article takes effect September 1, 2011.

ARTICLE 10. CERTAIN POWERS AND DUTIES OF THE COMPTROLLER OF PUBLIC ACCOUNTS

SECTION 10.01. Section 403.0551(d), Government Code, is amended to read as follows:

(d) This section does not authorize the comptroller to deduct the amount of a state employee's indebtedness to a state agency from any amount of compensation owed by the agency to the employee, the employee's successor, or the assignee of the employee or successor. In this subsection, "compensation" has the meaning assigned by Section 403.055 and [~~compensation,~~] "indebtedness," "state agency," "state employee," and "successor" have the meanings assigned by Section 666.001.

SECTION 10.02. Section 404.022(h), Government Code, is amended to read as follows:

(h) The comptroller may execute a simplified version of a depository agreement with an eligible institution desiring to hold [~~\$98,000 or less in~~] state deposits that are fully insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

SECTION 10.03. Section 411.109(a), Government Code, is amended to read as follows:

(a) The comptroller is entitled to obtain from the department criminal history record information maintained by the department that the comptroller believes is necessary for the enforcement or administration of Chapter 151, 152, ~~[153,]~~ 154, ~~[or]~~ 155, or 162, Tax Code, including criminal history record information that relates to a person who is:

- (1) an applicant for a permit under any of those chapters;
- (2) a permit holder under any of those chapters;
- (3) an officer, director, stockholder owning 10 percent or more of the outstanding stock, partner, owner, or managing employee of an applicant or permit holder under any of those chapters that is a corporation, association, joint venture, syndicate, partnership, or proprietorship;
- (4) believed to have violated any of those chapters; or
- (5) being considered by the comptroller for employment as a peace officer.

SECTION 10.04. Section 403.0551(d), Government Code, as amended by this article, applies to a deduction made on or after the effective date of this Act for an indebtedness to a state agency regardless of:

- (1) the date the indebtedness accrued; or
- (2) the dates of the pay period for which the compensation from which the indebtedness is deducted is earned.

ARTICLE 11. PREPARATION AND PUBLICATION OF CERTAIN REPORTS AND OTHER MATERIALS

SECTION 11.01. Section 61.539(c), Education Code, is amended to read as follows:

(c) As soon as practicable after each state fiscal year, the board ~~[comptroller]~~ shall prepare a report for that fiscal year of the number of students registered in a medical branch, school, or college, the total amount of tuition charges collected by each institution, the total amount transferred to the comptroller under this section, and the total amount available in the physician education loan repayment program account for the repayment of student loans of physicians under this subchapter. The board ~~[comptroller]~~ shall deliver a copy of the report to ~~[the board and to]~~ the governor, lieutenant governor, and speaker of the house of representatives not later than January 1 following the end of the fiscal year covered by the report.

SECTION 11.02. Section 5.05(c), Tax Code, is amended to read as follows:

(c) The comptroller shall electronically publish all materials under this section ~~[provide without charge one copy of all materials to officials of local government who are responsible]~~ for administering the property tax system. ~~[If a local government official requests more than one copy, the comptroller may charge a reasonable fee to offset the costs of printing and distributing the materials.]~~ The comptroller shall make the materials available to local governmental officials and members of the public but may charge a reasonable fee to offset the costs of preparing, printing, and distributing the materials.

SECTION 11.03. Section 5.06, Tax Code, is amended to read as follows:

Sec. 5.06. EXPLANATION OF TAXPAYER REMEDIES. ~~[(a)]~~ The comptroller shall prepare and electronically publish a pamphlet explaining the remedies available to dissatisfied taxpayers and the procedures to be followed in seeking remedial action. The comptroller shall include in the pamphlet advice on preparing and presenting a protest.

~~[(b) The comptroller shall provide without charge a reasonable number of copies of the pamphlet to any person on request. The comptroller may charge a person who requests multiple copies of the pamphlet a reasonable fee to offset the costs of printing and distributing those copies. The comptroller at its discretion shall determine the number of copies that a person may receive without charge.]~~

SECTION 11.04. Section 5.09, Tax Code, is amended to read as follows:

Sec. 5.09. BIENNIAL ~~[ANNUAL]~~ REPORTS. (a) The comptroller shall prepare a biennial ~~[publish an annual]~~ report of ~~[the operations of the appraisal districts. The report shall include for each appraisal district, each county, and each school district and may include for other taxing units]~~ the total appraised values~~;~~ assessed values; and taxable values of taxable property by category ~~[class of property, the assessment ratio;]~~ and the tax rates of each county, municipality, and school district in effect for the two years preceding the year in which the report is prepared ~~[rate]~~.

(b) Not later than December 31 of each even-numbered year, the ~~[The]~~ comptroller shall:

- (1) electronically publish on the comptroller's Internet website the ~~[deliver a copy of each annual]~~ report required by ~~[published under]~~ Subsection (a); and
- (2) notify ~~[of this section to]~~ the governor, the lieutenant governor, and each member of the legislature that the report is available on the website.

SECTION 11.05. The following are repealed:

- (1) Sections 51.607, 403.030, and 552.143(e), Government Code; and
- (2) Subchapter F, Chapter 379A, Local Government Code.

ARTICLE 12. SALES AND USE TAX HOLIDAY

SECTION 12.01. The heading to Section 151.326, Tax Code, is amended to read as follows:

Sec. 151.326. CLOTHING AND FOOTWEAR FOR LIMITED PERIOD UNDER CERTAIN CIRCUMSTANCES.

SECTION 12.02. Section 151.326, Tax Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) Subject to Subsection (e), the ~~[The]~~ sale of an article of clothing or footwear designed to be worn on or about the human body is exempted from the taxes imposed by this chapter if:

- (1) the sales price of the article is less than \$100; and
- (2) the sale takes place during a period beginning at 12:01 a.m. on the third Friday in August and ending at 12 midnight on the following Sunday.

(c) On or after January 1, but not later than January 31, of each odd-numbered year, the comptroller shall determine the following:

- (1) whether a deficit exists in the current state fiscal biennium in the general revenue-related funds used for certification; and

(2) whether general revenue-related funds used for certification and estimated to be available for the succeeding state fiscal biennium are less than the general revenue-related funds used for certification and available for the current state fiscal biennium.

(d) The comptroller shall base the determinations required by Subsection (c) on the statement required by Section 49a, Article III, Texas Constitution, and submitted to the legislature convening in regular session the year the determination is made and shall assume that the exemptions provided by this section and Section 151.327 apply.

(e) The exemptions provided by this section do not apply:

(1) in the state fiscal year in which the comptroller makes the determination required by Subsection (c) if the comptroller determines that the condition specified by Subsection (c)(1) exists; and

(2) in the state fiscal year following the year in which the comptroller makes the determination required by Subsection (c) if the comptroller determines that the condition specified by Subsection (c)(2) exists.

(f) Not later than February 15 of each odd-numbered year, the comptroller shall provide notice of whether the exemptions provided by this section apply during that state fiscal year and the subsequent state fiscal year. The comptroller shall provide the notice to each sales tax permit holder and shall clearly post the information on the comptroller's Internet website.

SECTION 12.03. The heading to Section 151.327, Tax Code, is amended to read as follows:

Sec. 151.327. SCHOOL SUPPLIES AND SCHOOL BACKPACKS BEFORE START OF SCHOOL UNDER CERTAIN CIRCUMSTANCES.

SECTION 12.04. Section 151.327, Tax Code, is amended by amending Subsection (a-1) and adding Subsection (c) to read as follows:

(a-1) Subject to Subsection (c), the ~~The~~ sale or storage, use, or other consumption of a school supply or a school backpack is exempted from the taxes imposed by this chapter if the school supply or backpack is purchased:

(1) for use by a student in a public or private elementary or secondary school;

(2) during the period described by Section 151.326(a)(2); and

(3) for a sales price of less than \$100.

(c) An exemption under this section does not apply to the sale or storage, use, or other consumption of a taxable item that occurs during a state fiscal year during which the exemptions provided by Section 151.326 do not apply.

SECTION 12.05. The comptroller of public accounts shall make the initial determinations required by Section 151.326(c), Tax Code, as added by this article, not later than January 31, 2013.

SECTION 12.06. Notwithstanding Sections 151.326 and 151.327, Tax Code, as amended by this article, the sale or storage, use, or other consumption of a taxable item is not exempt from the taxes imposed by Chapter 151, Tax Code, under those sections if the sale occurs:

(1) during the state fiscal year ending August 31, 2011, if this Act receives enough votes to take effect immediately in accordance with Section 12.07 of this article; or

(2) during the state fiscal year ending August 31, 2012.

SECTION 12.07. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE 13. SURPLUS LINES AND INDEPENDENTLY PROCURED INSURANCE

SECTION 13.01. Section 101.053(b), Insurance Code, is amended to read as follows:

(b) Sections 101.051 and 101.052 do not apply to:

- (1) the lawful transaction of surplus lines insurance under Chapter 981;
- (2) the lawful transaction of reinsurance by insurers;
- (3) a transaction in this state that:

(A) involves a policy that:

- (i) is lawfully solicited, written, and delivered outside this state; and
- (ii) covers, at the time the policy is issued, only subjects of insurance that are not resident, located, or expressly to be performed in this state; and

(B) takes place after the policy is issued;

(4) a transaction:

(A) that involves an insurance contract independently procured by the insured from an insurance company not authorized to do insurance business in this state through negotiations occurring entirely outside this state;

(B) that is reported; and

(C) on which premium tax, if applicable, is paid in accordance with Chapter 226;

(5) a transaction in this state that:

(A) involves group life, health, or accident insurance, other than credit insurance, and group annuities in which the master policy for the group was lawfully issued and delivered in a state in which the insurer or person was authorized to do insurance business; and

(B) is authorized by a statute of this state;

(6) an activity in this state by or on the sole behalf of a nonadmitted captive insurance company that insures solely:

(A) directors' and officers' liability insurance for the directors and officers of the company's parent and affiliated companies;

(B) the risks of the company's parent and affiliated companies; or

(B); (C) both the individuals and entities described by Paragraphs (A) and

(7) the issuance of a qualified charitable gift annuity under Chapter 102; or

(8) a lawful transaction by a servicing company of the Texas workers' compensation employers' rejected risk fund under Section 4.08, Article 5.76-2, as that article existed before its repeal.

SECTION 13.02. Section 225.001, Insurance Code, is amended to read as follows:

Sec. 225.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Affiliate" means, with respect to an insured, a person that controls, is controlled by, or is under common control with the insured.

(2) "Affiliated group" means a group of entities whose members are affiliated.

(3) "Control" means, with respect to determining the home state of an affiliated entity:

(A) to directly or indirectly, acting through one or more persons, own, control, or hold the power to vote at least 25 percent of any class of voting security of the affiliated entity; or

(B) to control in any manner the election of the majority of directors or trustees of the affiliated entity.

(4) "Home state" means:

(A) for an insured that is not an affiliated group described by Paragraph

(B):

(i) the state in which the insured resides, if the insured is an individual;

(ii) the state in which an insured that is not an individual maintains its principal place of business; or

(iii) if 100 percent of the insured risk is located outside of the state in which the insured resides or maintains its principal place of business, as applicable, the state to which the largest percentage of the insured's taxable premium for the insurance contract that covers the risk is allocated; or

(B) for an affiliated group with respect to which more than one member is a named insured on a single insurance contract subject to this chapter, the home state of the member, as determined under Paragraph (A), that has the largest percentage of premium attributed to it under the insurance contract.

(5) "Premium" means any payment made in consideration for insurance and [~~]-"premium"~~ includes:

(A) [~~(+)~~] a premium;

(B) premium deposits;

(C) [~~(2)~~] a membership fee;

(D) a registration fee;

(E) [~~(3)~~] an assessment;

(F) [~~(4)~~] dues; and

(G) [~~(5)~~] any other compensation given in consideration for surplus

lines insurance.

SECTION 13.03. Section 225.002, Insurance Code, is amended to read as follows:

Sec. 225.002. APPLICABILITY OF CHAPTER. This chapter applies to a surplus lines agent who collects gross premiums for surplus lines insurance for any risk in which this state is the home state of the insured.

SECTION 13.04. Section 225.004, Insurance Code, is amended by adding Subsections (a-1) and (f) and amending Subsections (b), (c), and (e) to read as follows:

(a-1) Consistent with the Nonadmitted and Reinsurance Reform Act of 2010, contained in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. No. 111-203), this state may not impose a premium tax on nonadmitted insurance premiums other than premiums paid for insurance in which this state is the home state of the insured.

(b) Taxable gross premiums under this section are based on gross premiums written or received for surplus lines insurance placed through an eligible surplus lines insurer during a calendar year. Notwithstanding the tax basis described by this subsection, the comptroller by rule may establish an alternate basis for taxation for multistate and single-state policies for the purpose of achieving uniformity.

(c) If a surplus lines insurance policy covers risks or exposures only partially located in this state, and this state has not entered into a cooperative agreement, reciprocal agreement, or compact with another state for the collection of surplus lines tax as authorized by Chapter 229, the tax is computed on the entire policy [portion of the] premium for any policy in which this state is the home state of the insured [that is properly allocated to a risk or exposure located in this state].

(e) Premiums [The following premiums are not taxable in this state:

(1) premiums properly allocated to another state that are specifically exempt from taxation in that state; and

(2) premiums] on risks or exposures that are properly allocated to federal or international waters or are under the jurisdiction of a foreign government are not taxable in this state.

(f) If this state enters a cooperative agreement, reciprocal agreement, or compact with another state for the allocation of surplus lines tax as authorized by Chapter 229, taxes due on multistate policies shall be allocated and reported in accordance with the agreement or compact.

SECTION 13.05. Section 225.005, Insurance Code, is amended to read as follows:

Sec. 225.005. TAX EXCLUSIVE. The tax imposed by this chapter is a transaction tax collected by the surplus lines agent of record and is in lieu of any [an] other transaction [insurance] taxes on these premiums.

SECTION 13.06. Section 225.009, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsections (a), (b), and (c), if this state enters a cooperative agreement, reciprocal agreement, or compact with another state for the allocation of surplus lines tax as authorized by Chapter 229, the tax shall be allocated and reported in accordance with the terms of the agreement or compact.

SECTION 13.07. Section 226.051, Insurance Code, is amended to read as follows:

Sec. 226.051. DEFINITIONS [DEFINITION]. In this subchapter:

(1) "Affiliate" means, with respect to an insured, a person that controls, is controlled by, or is under common control with the insured.

(2) "Affiliated group" means a group of entities whose members are affiliated.

(3) "Control" means, with respect to determining the home state of an affiliated entity:

(A) to directly or indirectly, acting through one or more persons, own, control, or hold the power to vote at least 25 percent of any class of voting security of the affiliated entity; or

(B) to control in any manner the election of the majority of directors or trustees of the affiliated entity.

(4) "Home state" means:

(A) for an insured that is not an affiliated group described by Paragraph (B):

(i) the state in which the insured resides, if the insured is an individual;

(ii) the state in which an insured that is not an individual maintains its principal place of business; or

(iii) if 100 percent of the insured risk is located outside of the state in which the insured resides or maintains its principal place of business, as applicable, the state to which the largest percentage of the insured's taxable premium for the insurance contract that covers the risk is allocated; or

(B) for an affiliated group with respect to which more than one member is a named insured on a single insurance contract subject to this chapter, the home state of the member, as determined under Paragraph (A), that has the largest percentage of premium attributed to it under the insurance contract.

(5) "Independently procured insurance" means insurance procured directly by an insured from a nonadmitted insurer.

(6) "Premium" means any payment made in consideration for insurance and [,"premium" includes [any consideration for insurance, including]:

(A) [(1)] a premium;

(B) premium deposits;

(C) [(2)] a membership fee; [or]

(D) a registration fee;

(E) an assessment;

(F) [(3)] dues; and

(G) any other compensation given in consideration for insurance.

SECTION 13.08. Section 226.052, Insurance Code, is amended to read as follows:

Sec. 226.052. APPLICABILITY OF SUBCHAPTER. This subchapter applies to an insured who procures an independently procured insurance contract for any risk in which this state is the home state of the insured [in accordance with Section 101.053(b)(4)].

SECTION 13.09. Section 226.053, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A tax is imposed on each insured at the rate of 4.85 percent of the premium paid for the insurance contract procured in accordance with Section 226.052 [101.053(b)(4)].

(b) If an independently procured insurance policy [contract] covers risks or exposures only partially located in this state and this state has not joined a cooperative agreement, reciprocal agreement, or compact with another state for the allocation of nonadmitted insurance taxes as authorized by Chapter 229, the tax is computed on the

entire policy [portion of the] premium for any policy in which this state is the home state of the insured [that is properly allocated to a risk or exposure located in this state].

(d) If this state enters into a cooperative agreement, reciprocal agreement, or compact with another state for the allocation of nonadmitted insurance taxes as authorized by Chapter 229, the tax due on multistate policies shall be allocated and reported in accordance with the agreement or compact.

SECTION 13.10. Section 981.008, Insurance Code, is amended to read as follows:

Sec. 981.008. SURPLUS LINES INSURANCE PREMIUM TAX. The premiums charged for surplus lines insurance are subject to the premium tax, if applicable, imposed under Chapter 225.

SECTION 13.11. The following provisions are repealed:

- (1) Sections 225.004(d) and (d-1), Insurance Code; and
- (2) Sections 226.053(b-1) and (c), Insurance Code.

SECTION 13.12. The changes in law made by this article to Chapters 225 and 226, Insurance Code, apply only to an insurance policy that is delivered, issued for delivery, or renewed on or after July 11, 2011. A policy that is delivered, issued for delivery, or renewed before July 11, 2011, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 13.13. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE 14. OBESITY INTERVENTION AND PREVENTION PROGRAM

SECTION 14.01. Chapter 403, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. OBESITY INTERVENTION AND PREVENTION PROGRAM

Sec. 403.451. PURPOSE. The purpose of this subchapter is to:

- (1) address the economic costs associated with obesity in this state, including increased medical costs and loss of economic productivity;
 - (2) promote obesity intervention and obesity prevention awareness among school-age children;
 - (3) address the disproportionate rate of obesity in low-income populations;
- and

(4) assist public schools and school districts to provide obesity intervention and obesity prevention awareness programs, obesity intervention and prevention programs, and related training.

Sec. 403.452. TEXAS OBESITY INTERVENTION AND PREVENTION GRANT PROGRAM AND STUDY. (a) The comptroller shall establish and administer the obesity intervention and prevention grant program and study to:

- (1) award grants for obesity intervention and prevention and related programs as provided by this subchapter; and
- (2) study obesity in this state as provided by this subchapter.

(b) The program and study shall be funded with money appropriated by the legislature for the purposes of this subchapter.

(c) The comptroller may solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Sec. 403.453. GRANT PROGRAM. (a) The comptroller shall establish and administer the obesity intervention and prevention grant program to award grants to public school programs and other entities that provide obesity intervention or prevention, nutrition education, and other educational programs to combat obesity in this state.

(b) In awarding grants under this section, the comptroller shall identify and give preference to geographic areas of this state where student populations have been identified, using the geographic information system map created under Section 403.454, as being at high risk for obesity.

(c) In awarding grants under this section, the comptroller shall consider awarding grants only to programs that obtain matching funds. Matching funds under this section, if required, may be obtained from any source available to a public school or other entity, including in-kind contributions, community or foundation grants, and individual contributions.

(d) The comptroller shall award grants on a competitive basis.

Sec. 403.454. COMPILATION OF DATA CONCERNING OBESITY RISK; GEOGRAPHIC INFORMATION SYSTEM. (a) The comptroller shall cooperate with the Texas Education Agency, the Department of State Health Services, or any other state agency as necessary to compile the data required to identify areas in which children are at risk for obesity.

(b) The Texas Education Agency shall provide the physical fitness assessment results compiled under Section 38.103, Education Code, to the comptroller. The comptroller shall use the fitness assessment data to produce an interactive geographic information system map of this state that shows the compiled physical fitness assessment results for each school district in the state and identifies areas in which students are at risk for obesity.

(c) In creating the interactive map under Subsection (b), the comptroller and each state agency involved shall comply with state and federal laws, rules, and regulations that protect the confidentiality of student information and shall protect confidential information.

Sec. 403.455. REPORT OF PROGRAM RESULTS. (a) A public school or other entity that is awarded a grant under Section 403.453 for a program shall collect data regarding the effectiveness of the program and report that information to the comptroller. The comptroller shall by rule determine the form and content of the reporting requirements.

(b) In collecting the data required by this section, a grantee shall protect the confidentiality of students and student information and shall comply with applicable state and federal laws, rules, and regulations that protect the confidentiality of student information.

Sec. 403.456. OBESITY AND WELLNESS INFORMATION PORTAL. The comptroller shall establish and maintain an obesity and wellness information portal on the comptroller's Internet website to provide information to the public regarding obesity and wellness, including the economic impact obesity has on this state.

Sec. 403.457. ADDITIONAL REPORTING AND MAPPING SYSTEMS. The comptroller may establish obesity reporting and mapping systems in addition to the systems described by this subchapter as necessary to implement this subchapter.

Sec. 403.458. REPORT TO LEGISLATURE. (a) The comptroller shall submit a report to the legislature not later than January 1 of each odd-numbered year regarding the effectiveness of the grant program.

(b) The comptroller may collect information regarding other state and federal obesity prevention initiatives in this state and include that information in the report.

Sec. 403.459. RULES. The comptroller shall adopt rules as necessary for the administration of this subchapter.

ARTICLE 15. EFFECTIVE DATE

SECTION 15.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2011.

Floor Amendment No. 1

Amend **CSSB 1811** (house committee printing) as follows:

(1) Strike page 1, lines 4-24, and page 2, lines 1-8.

(2) On page 2, strike lines 20-24 and substitute:

SECTION 2.03. The changes in law made by this article apply only to a tax credit for an examination or evaluation fee paid on or after January 1, 2012. Tax credits for examination or evaluation fees paid before January 1, 2012, are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(3) On page 6, lines 8-9, strike "written documentation" and substitute: equivalent records, such as electronically stored images of such documents,

(4) Strike page 8, lines 25-27, page 9, lines 1-27, and page 10, lines 1-26, and substitute the following:

SECTION 5.01. Articles 103.0033(b), (c), (e), (f), (h), (i), and (j), Code of Criminal Procedure, are amended to read as follows:

(b) This article applies [~~only~~] to each[~~:~~

[~~(1) a~~] county in this state [~~with a population of 50,000 or greater;~~] and to

[~~(2) a~~] municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h), each [~~county and~~] municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county may develop and implement a program that complies with the prioritized implementation schedule under Subsection (h) [~~program must include district, county, and justice courts~~].

(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:

(1) have not implemented a program; and

(2) are planning [~~able~~] to implement a program before April 1 of the following year.

(f) The ~~[comptroller, in cooperation with the]~~ office [;] shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office [comptroller] shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) The office~~[, in consultation with the comptroller,]~~ may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

(2) for a municipality, determine whether it is not actually cost-effective to implement a program in the [a county or] municipality and grant a waiver to the ~~[county or]~~ municipality.

(i) Each county that implements a program and each municipality shall at least annually submit to the office ~~[and the comptroller]~~ a written report that includes updated information regarding the program, as determined by the office ~~[in cooperation with the comptroller]~~. The report must be in a form approved by the office ~~[in cooperation with the comptroller]~~.

(j) The office [comptroller] shall periodically audit ~~[counties and]~~ municipalities to verify information reported under Subsection (i) and confirm that the ~~[county or]~~ municipality is conforming with requirements relating to the program. ~~[The comptroller shall consult with the office in determining how frequently to conduct audits under this section.]~~

SECTION 5.02. Section 133.058(e), Local Government Code, is amended to read as follows:

(e) A municipality ~~[or county]~~ may not retain a service fee if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System [comptroller] determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality ~~[or county]~~ may continue to retain a service fee under this section on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 5.03. Section 133.103(c-1), Local Government Code, is amended to read as follows:

(c-1) The treasurer shall send to the comptroller 100 percent of the fees collected under this section by a municipality [to the comptroller] if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System [comptroller] determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality ~~[or county]~~ shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

(5) On page 18, line 12, strike "June 1 [30]" and substitute "March 1 [June 30]".

(6) On page 18, line 21, strike "June 1 [30]" and substitute "March 1 [June 30]".

(7) On page 19, line 6, strike "June 1 [30]" and substitute "March 1 [June 30]".

- (8) On page 19, lines 16-17, strike "June 1 [~~30~~]" and substitute "March 1 [June 30]".
- (9) On page 26, line 15, strike "51.607, 403.030," and substitute "403.030".
- (10) Strike page 26, lines 18-27, page 27, lines 1-27, page 28, lines 1-27, and page 29, lines 1-22.
- (11) On page 31, line 18, between "person" and "that", insert "or entity".
- (12) On page 31, line 21, between "are" and "affiliated", insert "all".
- (13) On page 32, line 5, strike "resides" and substitute "maintains the insured's principal residence".
- (14) On page 32, lines 10-11, strike "resides or maintains its" and substitute "maintains the insured's principal residence or maintains the insured's".
- (15) On page 33, lines 11-13, strike "the Nonadmitted and Reinsurance Reform Act of 2010, contained in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. No. 111-203)" and substitute "15 U.S.C. Section 8201 et seq."
- (16) On page 35, line 8, between "person" and "that", insert "or entity".
- (17) On page 35, line 11, between "are" and "affiliated", insert "all".
- (18) On page 35, line 22, strike "resides" and substitute "maintains the insured's principal residence".
- (19) On page 35, line 27, strike "resides" and substitute "maintains the insured's principal residence".
- (20) On page 36, line 1, strike "its" and substitute "the insured's".
- (21) On page 38, line 2, strike "Sections 226.053(b-1) and (c)," and substitute "Section 226.053(b-1)".
- (22) On page 38, line 6, strike "July 11" and substitute "July 21".
- (23) On page 38, line 7, strike "July 11" and substitute "July 21".
- (24) Renumber the articles and sections of the bill appropriately.

Floor Amendment No. 2

Amend Amendment No. 1, amending **CSSB 1811** by adding the following appropriately numbered ARTICLE and renumbering existing ARTICLES of the bill accordingly:

ARTICLE ____ . SALE OF CERTAIN REAL PROPERTY HELD BY CERTAIN STATE AGENCIES

SECTION ____ .01. AUTHORIZATION FOR SALE. (a) Except as provided by Section 2 of this Act, the General Land Office shall, not later than August 31, 2013, offer for sale on behalf of each holder of real property the tracts of real property described by Section 3 of this Act.

(b) Except as otherwise provided by this Act, the sale shall be conducted as provided by Section 31.158, Natural Resources Code.

SECTION ____ .02. SPECIFIC TERMS. (a) The General Land Office may not offer for sale the property described by Section 3(b) of this Act held by the Texas Department of Transportation until after the date the agency completes the relocation of the agency operations to another location.

(b) The General Land Office is required to implement this Act with respect to the property held by the Texas Department of Criminal Justice described in Section 3(a)(2) of this Act only if the legislature prohibits the use of appropriated money to operate the Central Unit, Sugar Land, Fort Bend County. If the legislature does not

prohibit the use of appropriated money specifically for the operation of the Central Unit, Sugar Land, Fort Bend County, the General Land Office may not implement this Act with respect to the property described in Section 3(a)(2) of this Act.

(c) Before the sale of a parcel of real property described by SECTION 3 of this Act may be made, a survey of the parcel must be conducted by or under the direction of the General Land Office.

SECTION ____ .03. PROPERTY DESCRIPTIONS. (a) Property held by the Texas Department of Criminal Justice is described as follows:

(1) Estelle Unit (part), Parcel B, 895.99 acres out of a 5,458.73 acre tract, GLO ID #702, located at FM 980 and FM 3478, Huntsville, Walker County, Texas, more particularly described as follows:

Being all that certain tract or parcel of land situated in the Stephen Manning Survey, Abstract Number 31 and being a part of a 2507.09 acre tract of land called Second Tract conveyed by the W. L. Smither Estate to the State of Texas Department of Corrections and described in deed of record in Volume 392, Pages 124 - 130 of the Walker County Deed Records (W.C.D.R.) and more particularly described as follows: BEGINNING at a found 1 1/4" galvanized iron pipe in the Right of Way of F.M. 980 having Texas State Plane Coordinate Value of X = 3,522,562.7595 ft. (3,522,562.78'), Y = 468,762.5719 ft. (468,762.63') for the lower southwest corner of a 4928.35 acre tract described in a deed from the Trinity River Authority to the State of Texas Department of Corrections of record in Volume 223, Page 745 W.C.D.R. and the southeast corner of said 2507.09 acre tract and of this tract, from which U.S. Coast and Geodetic Triangulation Station "PRAIRIE 1943" bears S 58° 13' 35" W 11,117.22 ft. THE SOURCE OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING BETWEEN THE SAID STATION AND ITS AZIMUTH MARK;

THENCE, S 59° 56' 38" W (N 59° 57' 20" E 275.57') with a southerly line of said 2507.09 acre tract and within the said Right of Way of F.M. 980 a distance of 275.58 ft. to another found 1 1/4" galvanized iron pipe for an angle corner of said tract and this tract;

THENCE, S 64° 54' 28" W (N 64° 54' 20" E 6629.24') continuing with another southerly line of said 2507.09 acre tract and generally with fence a distance of 5431.97 ft. to a found concrete monument for an angle corner of this tract and the northerly Right of Way of F.M. 980;

THENCE, S 75° 40' 07" W (N 75° 59' 50" E 101.98') leaving the southerly line of said 2507.09 acre tract, with a northerly Right of Way line of said F.M. 980 and generally with fence a distance of 102.04 ft. to another found concrete monument for an angle corner of said right of way and of this tract;

THENCE, S 64° 52' 22" W (N 64° 41' 15" E 600.00') with another northerly Right of Way line of F.M. 980 and generally with fence a distance of 599.80 ft. to another found concrete monument at the intersection of said right of way line and the easterly Right of Way line of F.M. 3478 for a corner of this tract, from which a found 5/8" iron rod on the northerly Right of Way line of F.M. 980 and on the west line of said 2507.09 acre tract bears S 63° 46' 57" W 499.19;

THENCE, N 35° 21' 01" W (S 35° 22' 19" E 113.76') with an easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 113.49 ft. to another found concrete monument for a corner of this tract;

THENCE, N 7° 24' 35" W (S 7° 28' 45" E 5335.18') with another easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 5331.22 ft. to a found concrete monument at the Point of Curve to the left, for a corner of this tract;

THENCE, with said curve to the left, and generally with fence, having the following data: Delta - 5° 14' 08" Lt. (5° 14' Lt.), Radius - 2924.79 ft. (2924.79'), Length - 267.26 ft. (267.14'), Long Chord - N 10° 06' 46" W 267.17 ft. (S 10° 05' 45" E 267.05') and a Radial Bearing In - S 82° 30' 11" W, to another found concrete monument at the Point of Tangent for a corner of this tract;

THENCE, N 12° 39' 43" W (S 12° 42' 45" E 2703.16') continuing with the easterly Right of Way of said F.M. 3478 and generally with fence a distance of 2699.86 ft. to another found concrete monument for the north corner of this tract and an angle corner of said right of way line, from which another found concrete monument bears N 29° 12' 28" E 127.67 ft. (S29° 32' 39" W 129.31');

THENCE, N 84° 36' 29" E, leaving said right of way line, a distance of 4368.03 ft. to a set 5/8" iron rod with cap "TEXAS GLO" on an easterly line of said 2507.09 acre tract and a westerly line of said 4928.35 acre tract, 4.12 ft. northeast of fence, for the northeast corner of this tract, from which a set 5/8" iron rod with cap "TEXAS GLO" for an angle corner of said tracts bears N 24° 30' 10" W 681.98 ft.;

THENCE, S 24° 30' 10" E (N 24° 30' 10" W 1028.50') with said line a distance of 346.66 ft. to a found old car axle 0.90' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 21' 25" E (N 25° 21' 25" W 2803.75') with another line of said tracts a distance of 2804.12 ft. to another found old car axle 0.90' southwest of fence for an angle corner of said tracts and this tract;

THENCE, S 25° 57' 35" E (N 25° 57' 35" W 975.68') with another line of said tracts a distance of 975.81 ft. to a set 5/8" iron rod with cap "TEXAS GLO" 7.10' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 34' 15" E (N 25° 34' 15" W 2481.39') with another line of said tracts, at 2475.7 ft. pass fence, in all a distance of 2481.72 ft. to the Place of Beginning and containing 895.99 acres of land.

This description was prepared from an actual survey performed on the ground on June 3, 2003 and is accompanied by a survey plat with the same date and is made a part hereof. The Coordinates and Bearings shown are Grid based on the Texas State Plane Coordinate System - NAD 1927, South Zone. Distances shown are Horizontal Surface Measurements in feet. Record information is shown in parenthesis. Record information was obtained from the Walker County Clerk's Office, the State of Texas Department of Criminal Justice, and the State of Texas General Land Office.

; and

(2) Central Unit, Sugar Land, Fort Bend County, Texas, generally described

as:

M.M. Battle League, Abstract No. 9, Alexander Hodge League, Abstract No. 32, Fort Bend County 325.74 acres Parcel A (229.58 acres) is located on the north side of US Highway 90A west of the Sugar Land Municipal Airport. Parcel B (96.16 acres) is located at the northwest corner of State Highway 6 and US Highway 90A in Sugar Land.

(b) Property held by the Texas Department of Transportation is described as follows:

Bull Creek Camp Hubbard Annex State Headquarters, 28.912 acres, GLO ID #747, located at 4305 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING A 28.912 ACRE TRACT OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY, LEAGUE NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, BEING PART OF THAT CERTAIN 75.79 ACRE TRACT OF LAND, AS DESCRIBED IN A DEED TO THE STATE OF TEXAS, STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION OF RECORD IN VOLUME 1086, PAGE 452, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, DATED OCTOBER 28, 1988, SAID 28.912 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a brass disk in concrete found for the most southerly corner of said 75.79 acre tract, being also the northwest corner of Lot 1, Ridgilea a subdivision of record in Book 4, Page 258 of the Plat Records of Travis County, Texas and being in the east line of Bull Creek Road, a 60 foot wide right-of-way, said monument having a Texas State Plane Coordinate, Central Zone coordinate of N=10,087,759.67 and E=3,111,175.08;

(1) THENCE N 23°52'30" W, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 2033.82 feet to a brass disk in concrete found at the beginning of a curve to the right;

(2) THENCE in a northerly direction with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, along said curve to the right, same having a central angle 50°33'42", and a radius of 199.11 feet, an arc distance of 175.71 feet to a brass disk in concrete found at the end of said curve

(3) THENCE N 26°42'45" E, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 261.64 feet to a 1/2 inch iron rod with cap found for an angle point;

(4) THENCE S 62°31'59" E, departing the east line of said Bull Creek Road and over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 89.17 feet to a 1/2 inch iron rod with cap found for an angle point;

(5) THENCE S 81°57'55" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 278.39 feet to a 1/2 inch iron rod with cap found for an angle point;

(6) THENCE N 25°54'29" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 209.60 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" set for an angle point;

(7) THENCE S 63°17'24" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 128.50 feet to a brass disk in concrete found for an angle point;

(8) THENCE S 14°01'54" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 894.06 feet to a brass disk in concrete found for an angle point;

(9) THENCE S 06°28'23" W, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 308.12 feet to a brass disk in concrete found for an angle point;

(10) THENCE S 23°53'13" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, at a distance of 649.77 feet pass a brass disk in concrete found, for a total distance of 654.91 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" found for the southeast corner of the herein described tract, being also in the southeast line of said 75.79 acre tract and being in the northwest line of Lot 11 of said Ridgelea subdivision;

(11) THENCE S 31°33'51" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 257.58 feet to a 1/2 inch iron pipe found for an angle point;

(12) THENCE S 28°06'08" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 365.51 feet to the POINT OF BEGINNING and containing 28.912 acres of land.

NOTE: Bearings are based on NAD 83, Datum, Texas State Plane Coordinate System, North Central Zone, with all distances and coordinates adjusted to the surface by a combined scale factor of 1.0001.

(c) Property held by the Texas Facilities Commission is described as follows:

(1) Bull Creek New State Cemetery, 46.19 acres, GLO ID #2402, located at 4203 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;

(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;

(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village,

Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and
2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection

with the centerline of Shoal Creek for the northeast corner of this tract;

(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:

1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,
2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,
3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,
4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,
5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,
6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and
7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in

concrete for the southeast corner of this tract;

(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;

(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;

(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:

1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,

2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,

3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and

4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right-of-way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;

(7) THENCE N 26° 43' 00" E, along said right-of-way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and

BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF

RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;

Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;

Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;

Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;

Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;

THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.

(2) Parking Lot 19, 0.7887 acres, GLO ID #1905, located at 203 Martin Luther King Boulevard, Austin, Travis County, Texas, more particularly described as follows:

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND, BEING THE NORTHEAST ONE-QUARTER (1/4), THE NORTH ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4), THE EAST FIVE (5) FEET OF THE NORTHWEST ONE-QUARTER (1/4) AND THE EAST FIVE (5) FEET OF THE NORTH ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF OUTLOT 42, DIVISION "E" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID TRACT OF LAND BEING DESCRIBED IN A DEED FROM TEXAS KAPPA SIGMA EDUCATIONAL FOUNDATION, INC. TO THE STATE OF TEXAS IN VOLUME 4794, PAGE 2010, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR THE GENERAL LAND OFFICE OF THE STATE OF TEXAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for reference at City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Colorado Street, and from which 1/4" brass pin in concrete

found a City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Congress Avenue bears, S 70°44'00" E 440.19 feet;

Thence with the monumented base line of West 18th Street, N 70°43'55" W 40.00 feet to a calculated point;

Thence with a line forty (40) feet west of and parallel with the reconstructed base line of Colorado Street and with the east line of Outlot 42, Division "E" of the Government Tract Adjoining the Original City of Austin, Travis County, Texas, according to the plat on file in the General Land Office of the State of Texas, being also with the west line of Colorado Street and with the most southerly east line of that 1.242 acre tract of land, described as being a portion of the west one-half (1/2) and the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", in a Correction Deed from James H. Coker to Cambridge Tower Corporation in Volume 6769, Page 11, Deed Records of Travis County, Texas, N 18°58'55" E at 29.99 feet passing a 3/4" iron pipe found 0.02 of one foot west of line, at 30.00 feet passing a calculated point at the southeast corner of said Outlot 42, Division "E" and the intersection of the west line of Colorado Street with the north line of West 18th Street, said calculated point being also the southeast corner of the said Cambridge Tower Corporation 1.242 acre tract, in all 110.03 feet to a 1/2" iron pipe found at the most southerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract and the southeast corner of that tract of land, described as being the northeast one-quarter (1/4), the north one-half (1/2) of the southeast one-quarter (1/4), the east five (5) feet of the northwest one-quarter (1/4) and the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" in a deed from Kappa Sigma Educational Foundation, Inc. to The State of Texas in Volume 4794, Page 2010, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and southeast corner of the herein described tract;

(1) THENCE with the north line of the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", the south line of the north one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E" and the south line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E, and being also with the south line of the said The State of Texas tract and the most southerly north line of the said Cambridge Tower Corporation 1.242 acre tract, N 70°43'50" W at 138.10 feet passing a 1/2" steel pin previously set and found this date at the intersection of the west line of the east one-half (1/2) of said Outlot 42, Division "E" and the east line of the west one-half (1/2) of said Outlot 42, Division "E" with the north line of the south one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E" and the south line of the north one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E", in all 143.10 feet to a calculated point for the southwest corner of the said The State of Texas tract and an interior corner of the said Cambridge Tower Corporation 1.242 acre tract, for the southwest corner of the herein described tract;

(2) THENCE with the west line of the said The State of Texas tract and the most northerly east line of the said Cambridge Tower Corporation 1.242 acre tract, being also with the west line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" and with the west line of

the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", N 18°59'15" E 240.10 feet to a 1/2" steel pin found in the north line of said Outlot 42, Division "E" and the south line of West Martin Luther King, Jr. Boulevard (West 19th Street) at the northwest corner of the said The State of Texas tract and the most northerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract, said 1/2" steel pin found being also the northwest corner of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", for the northwest corner of the herein described tract;

(3) THENCE with the south line of West Martin Luther King, Jr. Boulevard and the north line of said Outlot 42, Division "E", being also with the north line of the said The State of Texas tract, S 70°43'35" E a 5.00 feet passing a 1/2" steel pin previously set and found this date for the northeast corner of the northwest one-quarter (1/4) of said Outlot 42, Division "E" and the northwest corner of the northeast one-quarter (1/4) of said Outlot 42, Division "E", in all 143.07 feet to a PK nail previously set and found this date in the north face of a brick step at the intersection of the south line of West Martin Luther King, Jr. Boulevard with the west line of Colorado Street for the northeast corner of said Outlot 42, Division "E" and the northeast corner of the said The State of Texas tract, for the northeast corner of the herein described tract;

(4) THENCE with the west line of Colorado Street and the east line of said Outlot 42, Division "E", being also with the east line of the said The State of Texas tract, S 18°58'55" W 240.09 feet to the POINT OF BEGINNING of the herein described tract, containing 34,354 square feet of land or 0.7887 of one acre of land.

(3) Service Station, GLO ID #1913, located at 1500 San Jacinto Street, Austin, Travis County, Texas, more particularly described as follows:
LOTS 6 & 7 BLK. 54, DIV E ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TX.

(4) Parking Garage B/G/Lot 22, more particularly described as follows:
76,032 square feet of land, being Outlot 55, Division "E", of the Government Outlots adjoining the Original City of Austin, Texas, according to the map or plat of record in the General Land Office.

BEGINNING at an iron pin set at the most Southerly corner of the tract herein described, said iron pin set bears N 71° 08' W, 40.00' and N 19° 01' E, 50.00' from a monument found at the intersection of the centerlines of East 15th Street and Trinity Street;

THENCE; N 71° 08' W, 275.82' along the Northerly R.O.W. line of East 15th Street, 50' North of and parallel to the monumented centerline of East 15th Street to a concrete nail at the intersection of the Northerly R.O.W. line of East 15th Street and the Easterly R.O.W. line of San Jacinto Street;

THENCE; N 19° 01' E, 275.54' along the Easterly R.O.W. line of San Jacinto Street to an "X" in concrete at the intersection of the Easterly R.O.W. line of San Jacinto Street and the Southerly R.O.W. line of East 16th Street;

THENCE; S 71° 11' E, 275.80' along the Southerly R.O.W. line of East 16th Street to an iron pin set at the intersection of the Southerly R.O.W. line of East 16th Street and the Westerly R.O.W. line of Trinity Street;

THENCE; S 19° 01' W, 275.82' along the Westerly R.O.W. line of Trinity Street to the PLACE OF BEGINNING, containing 76,032 square feet of land as surveyed November, 1973, by Otis B. Autry, Registered Public Surveyor.
; and

(5) Austin Bolm Road Warehouse, more particularly described as follows:
Lot 25-A, Capitol Business Park, 1-A, a Subdivision of Travis County according to the plat recorded Volume 81 page 110 Plat records. The property was purchased by the State of Texas on June 19, 1989 from STRAFCO INC recorded Volume 10963 page 1000, Travis County Deed Records

(d) Property held by the Health and Human Services Commission is described as follows:

(1) Abilene State Supported Living Center (part), Parcel A, 33.039 acres, GLO ID #752, located at 2501 Maple Street, Abilene, Taylor County, Texas, more particularly described as follows:

BEING 33.039 ACRES OF LAND SITUATED IN THE EAST HALF OF SECTION 51, CITY OF ABILENE, TAYLOR COUNTY, TEXAS AND THAT CERTAIN 637.337 ACRE TRACT DESCRIBED IN INSTRUMENT TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION AS RECORDED IN VOLUME 14, PAGE 127 OF THE COUNTY RECORDS OF TAYLOR COUNTY, TEXAS AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A STANDARD TYPE II TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MARKER FOUND ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SOUTH 27TH STREET (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND ON THE WESTERLY RIGHT-OF-WAY LINE OF OLDHAM ROAD [~~FARM TO MARKET ROAD No. 1750~~] (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND BEING 5,096.4 FEET EAST AND 2,631.0 FEET SOUTH OF A CONCRETE MONUMENT WITH BRASS CAP STAMPED ABILENE STATE HOSPITAL No. 1 FOUND BEING A CALLED 70-FOOT OFFSET FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF SECTION 51;

THENCE SOUTH 89°56'02" WEST ALONG SAID NORTHERLY LINE OF SOUTH 27TH STREET, 326.03 FEET TO A CONCRETE MARKER WITH BRASS DISK FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE TO THE LEFT PASSING A 1-1/2-INCH IRON PIPE FOUND AT 379.04 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 390.10 FEET, HAVING A CENTRAL ANGLE OF 16°16'29", A RADIUS OF 1,373.35 AND WHOSE LONG CHORD BEARS SOUTH 81°47'47" WEST, 388.79 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 00°00'00" EAST PARALLEL TO SAID WESTERLY LINE OF OLDHAM ROAD, 2,063.60 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 88°56'07" EAST, 710.96 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET ON SAID WESTERLY LINE OF OLDHAM ROAD;

THENCE SOUTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF OLDHAM ROAD, PASSING A STANDARD TYPE II TXDOT MARKER AT 867.79 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 2,020.96 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 33.039 ACRES OF LAND.

(2) Rio Grande State Center (part), Parcel B, 14.18 acres, GLO ID #736, located at 1401 South Rangerville Road, Harlingen, Cameron County, Texas, more particularly described as follows:

Lying and situated in the City of Harlingen, Cameron County, Texas, said land being described by metes and bounds as follows:

Beginning at the Southwest corner of Block 93 of the Harlingen Land and Water Company Subdivision, Cameron County, Texas, as the map of said subdivision is recorded in Vol. 1, Page 12, of the Map Records of Cameron County, Texas;

Thence, North 00 deg. 12 min. West a distance of 10 feet to a point of beginning for the tract herewith described, and being the Southwest corner of the tract herewith described; said point being on the West boundary line of said Block 93, such boundary line being also the East boundary line of the right-of-way of Canal No. 3 of the Cameron County Water Control and Improvement District No. 1, Cameron County, Texas, said point also being on the North right-of-way line of Rio Hondo Road, a public road of Cameron County, Texas;

Thence, North 89 deg. 48 min. East a distance of 859.0 feet to a point, this boundary line being parallel to and 10 feet North of the South boundary line of said Block 93, and also being the North right-of-way line of said Rio Hondo Road;

Thence, North 00 deg. 12 min. West a distance of 719 feet to a point;

Thence, South 89 deg. 48 min. West a distance of 859 feet to a point, said point being on the line being the West boundary line of said Block 93 and the East boundary line of said right-of-way for said Canal No. 3;

Thence, South 00 deg. 12 min. East along said West boundary line of said Block 93 (being also the East boundary line of said right-of-way for Canal No. 3) a distance of 719 feet to the point of beginning of the tract herewith described and herein being conveyed, and containing 14.18 acres of land, more or less.

(3) San Angelo State Supported Living Center (part), Parcel B, 0.3214 acres GLO ID #767, located on US HWY 87 North, Carlsbad, Tom Green County, Texas, generally described as follows:

The 0.3214 acre tract consists of 2 (50' X 140') town lots legally described as Lots 10 and 11, Block 137, unincorporated Town of Carlsbad, Tom Green County, Texas.

(4) Marlin Robert E. Lee Group Home, 0.247 acres, GLO ID #2139, located at 1606 Robert E. Lee Drive, Marlin, Falls County, Texas, more particularly described as follows:

All that certain lot or parcel of land, situated in the Northeast portion of the City of Marlin, Falls County, Texas, out of the T J Chambers and A De La Serda conflicting grants, and being part of that certain Cullen Rogers 9.553 acre tract, more particularly described as Lot 11, Block 2, Plantation Acres Subdivision as shown per final plat of record in Vol. 2, Page 47, Fall County Plat Records;

Beginning at an iron rod for the Northeast corner of Rogers 9.553 acres and Northeast corner of Lot 11, Block 2 mentioned above;

Thence S 29°46'29" E 95.91 ft. with center line 15 ft. utility easement to an iron rod for the Southeast corner of Lot 11;

Thence S 61°52'30" W 115.5 ft. to an iron rod for the Southwest corner of said Lot 11, in the East line of Robert E. Lee Drive;

Thence N 28°07'30" W 92.63 ft. along the East line of Robert E. Lee Drive to an iron rod for the Northwest corner of Lot 11, a point in the North line of Rogers 9.553 acres;

Thence N 60°13'33" E 112.79 ft. to the place of beginning containing 0.247 acres of land.

; and

(5) Wortham Twin Circle Group Home, 0.344 acres, GLO ID #2144, located at 115 Twin Circle Drive, Wortham, Freestone County, Texas, more particularly described as follows:

Being a 15,000 square foot or 0.344 acre tract of land identified as Lot 8, Block 2, Twin Circle Estates Addition, City of Wortham, Freestone County, Texas.

(e) Property held by the Parks and Wildlife Department is described as follows:

McKinney Falls Park/State Headquarters (part), Parcel B, 13 acres GLO ID #72, located at 4200 Smith School Road, Austin, Travis County, Texas, generally described as follows:

A 13 acre tract, more or less, out of the Santiago Del Valle Grant, Austin, Travis County, Texas, being that part of the McKinney Falls State Park/Headquarters lying west of East Stassney Lane.

SECTION ____,04. DISPOSITION OF PROCEEDS. The proceeds from the sales authorized by Section 1 of this Act shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION ____,05. STATE CEMETERY. Section 2165.256(b), Government Code, is amended to read as follows:

(b) ~~[In addition to the property described as] Lot No. 5, Division B, City of Austin, Travis County, Texas, [the following property] is dedicated for cemetery purposes as part of the State Cemetery.[: BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~[BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right of way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;~~

~~[(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas,~~

tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;

[(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

[1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and

[2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;

[(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:

[1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,

[2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,

[3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,

[4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,

[5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,

[6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and

[7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in concrete for the southeast corner of this tract;

[(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;

[(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;

[(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:

[1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,

[2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,

[3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and

~~[4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right of way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;~~

~~[(7) THENCE N 26° 43' 00" E, along said right of way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and~~

~~[BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:~~

~~[BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;~~

~~[Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;~~

~~[Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;~~

~~[Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;~~

~~[Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;~~

~~[THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.]~~

SECTION ____ .06. EFFECTIVE DATE. This Act takes effect September 1, 2011.

Floor Amendment No. 3

Amend CSSB 1811 (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS CONCERNING EARLY HIGH SCHOOL GRADUATION

SECTION ____ .01. Subchapter K, Chapter 56, Education Code, is amended by adding Section 56.2012 to read as follows:

Sec. 56.2012. EXPIRATION OF SUBCHAPTER; ELIGIBILITY CLOSED.

(a) This subchapter expires September 1, 2017.

(b) Notwithstanding Section 56.203, a person may not receive an award under this subchapter if the person graduates from high school on or after September 1, 2011.

SECTION ____ .02. Subsection (b), Section 54.213, Education Code, is amended to read as follows:

~~(b) [Savings to the foundation school fund that occur as a result of the Early High School Graduation Scholarship program created in Subchapter K, Chapter 56, and that are not required for the funding of state credits for tuition and mandatory fees under Section 56.204 or school district credits under Section 56.2075 shall be used first to provide tuition exemptions under Section 54.212. Any of those savings remaining after providing tuition exemptions under Section 54.212 shall be used to provide tuition exemptions under Section 54.214.]~~ The Texas Education Agency shall ~~[also]~~ accept and make available to provide tuition exemptions under Section 54.214 gifts, grants, and donations made to the agency for that purpose. The commissioner of education shall transfer those funds to the Texas Higher Education Coordinating Board to distribute to institutions of higher education that provide exemptions under that section ~~[Payment of funds under this subsection shall be made in the manner provided by Section 56.207 for state credits under Subchapter K, Chapter 56].~~

SECTION ____ .03. Section 56.210, Education Code, is repealed.

ARTICLE ____ . FISCAL MATTERS CONCERNING RETIRED TEACHERS

SECTION ____ .01. Notwithstanding Subsection (a), Section 825.404, Government Code, for the state fiscal biennium ending August 31, 2013, only, the amount of the state contribution to the Teacher Retirement System of Texas under that section may be less than the amount contributed by members during that biennium.

SECTION ____ .02. Notwithstanding Subsection (a), Section 1575.202, Insurance Code, for the state fiscal biennium ending August 31, 2013, only, the state may contribute an amount to the retired school employees group insurance fund that is less than one percent of the salary of each active employee.

Floor Amendment No. 4

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS EMERGING TECHNOLOGY FUND

SECTION ____ .01. Section 490.005(b), Government Code, is amended to read as follows:

(b) The annual report must also contain:

(1) the total number of jobs actually created by each project receiving funding under this chapter;

(2) an analysis of the number of jobs actually created by each project receiving funding under this chapter; and

(3) a brief description regarding:

(A) the methodology used to determine the information provided under Subdivisions (1) and (2);

(B) [(4)] the intended outcomes of projects funded under Subchapter D during the preceding two state fiscal years; and

(C) [(2)] the actual outcomes of all projects funded under Subchapter D during the fund's existence, including any financial impact on the state resulting from a liquidity event involving a company whose project was funded under that subchapter.

SECTION ____ .02. The heading to Section 490.052, Government Code, is amended to read as follows:

Sec. 490.052. APPOINTMENT TO COMMITTEE [~~BY GOVERNOR~~]; NOMINATIONS.

SECTION ____ .03. Section 490.052, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) The governor shall appoint to the committee 13 individuals nominated as provided by Subsection (b).

(a-1) The lieutenant governor shall appoint two senators to the committee.

(a-2) The speaker of the house of representatives shall appoint two members of the house of representatives to the committee.

SECTION ____ .04. Subchapter B, Chapter 490, Government Code, is amended by adding Section 490.0521 to read as follows:

Sec. 490.0521. FINANCIAL STATEMENT REQUIRED. Each member of the committee shall file with the office of the governor and the Texas Ethics Commission a verified financial statement complying with Sections 572.022 through 572.0252 as is required of a state officer by Section 572.021.

SECTION ____ .05. Section 490.054, Government Code, is amended to read as follows:

Sec. 490.054. TERMS. (a) Members of the committee appointed by the governor serve staggered two-year terms, subject to the pleasure of the governor.

(b) Members of the committee appointed by the lieutenant governor or the speaker of the house of representatives serve two-year terms.

SECTION ____ .06. Subchapter B, Chapter 490, Government Code, is amended by adding Section 490.0551 to read as follows:

Sec. 490.0551. MEETINGS. (a) The committee shall hold meetings periodically to conduct the business of the committee.

(b) The committee and any subcommittee of the committee shall give notice of each meeting to be held by the committee or subcommittee, as applicable, to the secretary of state. The secretary of state shall post the notice on the secretary of state's Internet website at least 72 hours before the scheduled time of the meeting. The notice must contain:

(1) the date, time, and place of the meeting; and

(2) the agenda of items to be considered at the meeting.

(c) The committee and any subcommittee of the committee shall keep minutes of each meeting. The minutes must include:

(1) an indication of each committee member's vote, including any recusal by a member, on each matter under consideration by the committee; and

(2) a description of the specific nature of any conflict of interest disclosed by a committee member, including the manner in which the conflict of interest was resolved.

SECTION ____ .07. Section 490.056, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Each entity recommended by the committee for an award of money from the fund as provided by this chapter shall obtain and provide the following information to the office of the governor:

(1) a federal criminal history background check for each principal of the entity;

(2) a state criminal history background check for each principal of the entity;

(3) a credit check for each principal of the entity;

(4) a copy of a government-issued form of photo identification for each principal of the entity; and

(5) information regarding whether the entity or a principal of the entity has ever been subject to a sanction imposed by the Securities and Exchange Commission for a violation of applicable federal law.

(d) For purposes of Subsection (c):

(1) "Controlling interest" has the meaning assigned by Section 171.0001, Tax Code.

(2) "Principal" means:

(A) an officer of an entity; or

(B) a person who directly or indirectly owns or controls a controlling interest in an entity.

(e) With each proposal to award funding submitted by the governor to the lieutenant governor and speaker of the house of representatives for purposes of obtaining prior approval, the governor shall provide each officer with a copy of the information provided by the appropriate entity under Subsection (c).

SECTION ____ .08. Section 490.101, Government Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) An award to a particular recipient from the fund may not exceed \$3,000,000.

SECTION ____ .09. Subchapter D, Chapter 490, Government Code, is amended by adding Section 490.1521 to read as follows:

Sec. 490.1521. MINUTES OF CERTAIN MEETINGS. (a) Each regional center of innovation and commercialization established under Section 490.152, including the Texas Life Science Center for Innovation and Commercialization, shall keep minutes of each meeting at which applications for funding under this subchapter are evaluated. The minutes must:

(1) include the name of each applicant recommended by the regional center of innovation and commercialization to the committee for funding; and

(2) indicate the vote of each member of the governing body of the regional center of innovation and commercialization, including any recusal by a member and the member's reason for recusal, with regard to each application reviewed.

(b) Not later than the 30th day after the date a meeting to which this section applies is held, the appropriate regional center of innovation and commercialization shall post a copy of the minutes of the meeting on the center's Internet website. The copy of the minutes must remain posted on the website for at least four years.

SECTION ____ .10. (a) The terms of the members of the Texas Emerging Technology Advisory Committee serving on the effective date of this article expire September 1, 2011.

(b) As soon as practicable after this article takes effect, the governor, lieutenant governor, and speaker of the house of representatives shall appoint members to the Texas Emerging Technology Advisory Committee established under Subchapter B, Chapter 490, Government Code, in a manner that complies with that subchapter, as amended by this article.

(c) At the first meeting of members of the Texas Emerging Technology Advisory Committee established under Subchapter B, Chapter 490, Government Code, as amended by this article, occurring on or after September 1, 2011, the members appointed by the governor shall draw lots to determine which six members will serve a term expiring September 1, 2012, and which seven members will serve a term expiring September 1, 2013.

SECTION ____ .11. Section 490.101(f-1), Government Code, as added by this article, applies only to an award from the Texas emerging technology fund that is made on or after the effective date of this article. An award from the Texas emerging technology fund made before the effective date of this article is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

Floor Amendment No. 5

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS CONCERNING ANIMAL HEALTH REGULATION

SECTION ____ .01. Section 161.060, Agriculture Code, is amended to read as follows:

Sec. 161.060. AUTHORITY TO SET AND COLLECT [INSPECTION] FEES.
The commission by rule may set and collect a fee for any service provided [~~charge a fee, as provided by commission rule, for an inspection made~~] by the commission, including:

- (1) the inspection of animals or facilities;
- (2) the testing of animals for disease;
- (3) obtaining samples from animals for disease testing;
- (4) disease eradication and treatment efforts;
- (5) services related to the transport of livestock;
- (6) control and eradication of ticks and other pests; and
- (7) any other service for which the commission incurs a cost.

ARTICLE ____ . FISCAL MATTERS REGARDING PETROLEUM INDUSTRY REGULATION

SECTION ____ .01. Section 26.3574, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A fee is imposed on the delivery of a petroleum product on withdrawal from bulk of that product as provided by this subsection. Each operator of a bulk facility on withdrawal from bulk of a petroleum product shall collect from the person who orders the withdrawal a fee in an amount determined as follows:

(1) not more than \$3.125 [~~\$3.75~~] for each delivery into a cargo tank having a capacity of less than 2,500 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(2) not more than \$6.25 [~~\$7.50~~] for each delivery into a cargo tank having a capacity of 2,500 gallons or more but less than 5,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(3) not more than \$9.37 [~~\$11.75~~] for each delivery into a cargo tank having a capacity of 5,000 gallons or more but less than 8,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(4) not more than \$12.50 [~~\$15.00~~] for each delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~]; and

(5) not more than \$6.25 [~~\$7.50~~] for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~].

(b-1) The commission by rule shall set the amount of the fee in Subsection (b) in an amount not to exceed the amount necessary to cover the agency's costs of administering this subchapter, as indicated by the amount appropriated by the legislature from the petroleum storage tank remediation account for that purpose.

ARTICLE ____ . COASTAL EROSION

SECTION ____ .01. Section 33.608, Natural Resources Code, is amended to read as follows:

Sec. 33.608. REPORT TO LEGISLATURE. (a) Each biennium, the commissioner shall submit to the legislature a report listing:

- (1) each critical erosion area;
- (2) each proposed erosion response study or project;
- (3) an estimate of the cost of each proposed study or project described by Subdivision (2);
- (4) each coastal erosion response study or project funded under this subchapter during the preceding biennium;
- (5) the economic and natural resource benefits from each coastal erosion response study or project described by Subdivision (4);
- (6) the financial status of the account; and
- (7) an estimate of the cost of implementing this subchapter during the succeeding biennium.

(b) The report must include a plan for coastal erosion response studies and projects that may be funded, wholly or partly, from money in the account and may be undertaken during the next 10 or more years.

ARTICLE ____ . TEXAS FARM AND RANCH LANDS CONSERVATION
PROGRAM

SECTION ____ .01. Subsection (b), Section 183.059, Natural Resources Code, is amended to read as follows:

(b) To receive a grant from the fund under this subchapter, an applicant who is qualified to be an easement holder under this subchapter must submit an application to the council. The application must:

(1) set out the parties' clear conservation goals consistent with the program;
(2) include a site-specific estimate-of-value appraisal by a licensed appraiser qualified to determine the market value of the easement; and

~~(3) [demonstrate that the applicant is able to match 50 percent of the amount of the grant being sought, considering that the council may choose to allow a donation of part of the appraised value of the easement to be considered as in-kind matching funds; and~~

~~[(4)] include a memorandum of understanding signed by the landowner and the applicant indicating intent to sell an agricultural conservation easement and containing the terms of the contract for the sale of the easement.~~

ARTICLE ____ . FISCAL MATTERS CONCERNING PARKS AND WILDLIFE
CONTRIBUTIONS

SECTION ____ .01. Subchapter D, Chapter 502, Transportation Code, is amended by adding Sections 502.1747 and 502.1748 to read as follows:

Sec. 502.1747. VOLUNTARY CONTRIBUTION TO PARKS AND WILDLIFE DEPARTMENT. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute \$5 or more to the Parks and Wildlife Department.

(b) The department shall:

(1) include space on each motor vehicle registration renewal notice, on the page that states the total fee for registration renewal, that allows a person renewing a registration to indicate the amount that the person is voluntarily contributing to the state parks account;

(2) provide an opportunity to contribute to the state parks account similar to the opportunity described by Subsection (a) and in the manner described by Subdivision (1) in any registration renewal system that succeeds the system in place on September 1, 2011; and

(3) provide an opportunity for a person to contribute to the state parks account during the registration renewal process on the department's Internet website.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector shall send any contribution made under this section to the comptroller for deposit to the credit of the state parks account under Section 11.035, Parks and Wildlife Code. Money received by the Parks and Wildlife Department under this section may be used only for the operation and maintenance of state parks, historic sites, or natural areas under the jurisdiction of the Parks and Wildlife Department.

(e) The department shall consult with the Parks and Wildlife Department in performing the department's duties under this section.

Sec. 502.1748. DISPOSITION OF CERTAIN VOLUNTARY CONTRIBUTIONS. If a person makes a voluntary contribution under Section 502.1746 or 502.1747 at the time the person registers or renews the registration of a motor vehicle under this chapter but the person does not clearly specify the entity to which the person intends to contribute, the county assessor-collector shall divide the contribution between the entities authorized to receive contributions under those sections.

SECTION ____ .02. Sections 502.1747 and 502.1748, Transportation Code, as added by this article, apply only to a motor vehicle registration renewal notice issued for a registration that expires on or after January 1, 2012.

ARTICLE ____ . FISCAL MATTERS CONCERNING OIL AND GAS REGULATION

SECTION ____ .01. Subsection (c), Section 81.0521, Natural Resources Code, is amended to read as follows:

(c) Two-thirds of the proceeds from this fee, excluding ~~including~~ any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and ~~oil field~~ cleanup fund as provided by Section 81.067 ~~[91.111].~~

SECTION ____ .02. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Sections 81.067 through 81.070 to read as follows:

Sec. 81.067. OIL AND GAS REGULATION AND CLEANUP FUND. (a) The oil and gas regulation and cleanup fund is created as an account in the general revenue fund of the state treasury.

(b) The commission shall certify to the comptroller the date on which the balance in the fund equals or exceeds \$20 million. The oil-field cleanup regulatory fees on oil and gas shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the comptroller shall resume collecting the fees on receipt of a commission certification that the fund has fallen below \$10 million. The comptroller shall continue collecting the fees until collections are again suspended in the manner provided by this subsection.

(c) The fund consists of:

(1) proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the refund provisions of Section 91.1091, if applicable;

(2) private contributions, including contributions made under Section 89.084;

(3) expenses collected under Section 89.083;

(4) fees imposed under Section 85.2021;

(5) costs recovered under Section 91.457 or 91.459;

(6) proceeds collected under Sections 89.085 and 91.115;

(7) interest earned on the funds deposited in the fund;

(8) oil and gas waste hauler permit application fees collected under Section 29.015, Water Code;

(9) costs recovered under Section 91.113(f);

(10) hazardous oil and gas waste generation fees collected under Section 91.605;

- (11) oil-field cleanup regulatory fees on oil collected under Section 81.116;
- (12) oil-field cleanup regulatory fees on gas collected under Section 81.117;
- (13) fees for a reissued certificate collected under Section 91.707;
- (14) fees collected under Section 91.1013;
- (15) fees collected under Section 89.088;
- (16) fees collected under Section 91.142;
- (17) fees collected under Section 91.654;
- (18) costs recovered under Sections 91.656 and 91.657;
- (19) two-thirds of the fees collected under Section 81.0521;
- (20) fees collected under Sections 89.024 and 89.026;
- (21) legislative appropriations; and
- (22) any surcharges collected under Section 81.070.

Sec. 81.068. PURPOSE OF OIL AND GAS REGULATION AND CLEANUP FUND. Money in the oil and gas regulation and cleanup fund may be used by the commission or its employees or agents for any purpose related to the regulation of oil and gas development, including oil and gas monitoring and inspections, oil and gas remediation, oil and gas well plugging, public information and services related to those activities, and administrative costs and state benefits for personnel involved in those activities.

Sec. 81.069. REPORTING ON PROGRESS IN MEETING PERFORMANCE GOALS FOR THE OIL AND GAS REGULATION AND CLEANUP FUND. (a) The commission, through the legislative appropriations request process, shall establish specific performance goals for the oil and gas regulation and cleanup fund for the next biennium, including goals for each quarter of each state fiscal year of the biennium for the number of:

- (1) orphaned wells to be plugged with state-managed funds;
- (2) abandoned sites to be investigated, assessed, or cleaned up with state funds; and
- (3) surface locations to be remediated.

(b) The commission shall provide quarterly reports to the Legislative Budget Board that include:

(1) the following information with respect to the period since the last report was provided as well as cumulatively:

(A) the amount of money deposited in the oil and gas regulation and cleanup fund;

(B) the amount of money spent from the fund for the purposes described by Subsection (a);

(C) the balance of the fund; and

(D) the commission's progress in meeting the quarterly performance goals established under Subsection (a) and, if the number of orphaned wells plugged with state-managed funds, abandoned sites investigated, assessed, or cleaned up with state funds, or surface locations remediated is at least five percent less than the number projected in the applicable goal established under Subsection (a), an explanation of the reason for the variance; and

(2) any additional information or data requested in writing by the Legislative Budget Board.

(c) The commission shall submit to the legislature and make available to the public, annually, a report that reviews the extent to which money provided under Section 81.067 has enabled the commission to better protect the environment through oil-field cleanup activities. The report must include:

(1) the performance goals established under Subsection (a) for that state fiscal year, the commission's progress in meeting those performance goals, and, if the number of orphaned wells plugged with state-managed funds, abandoned sites investigated, assessed, or cleaned up with state funds, or surface locations remediated is at least five percent less than the number projected in the applicable goal established under Subsection (a), an explanation of the reason for the variance;

(2) the number of orphaned wells plugged with state-managed funds, by region;

(3) the number of wells orphaned, by region;

(4) the number of inactive wells not currently in compliance with commission rules, by region;

(5) the status of enforcement proceedings for all wells in violation of commission rules and the period during which the wells have been in violation, by region in which the wells are located;

(6) the number of surface locations remediated, by region;

(7) a detailed accounting of expenditures of money in the fund for oil-field cleanup activities, including expenditures for plugging of orphaned wells, investigation, assessment, and cleaning up of abandoned sites, and remediation of surface locations;

(8) the method by which the commission sets priorities by which it determines the order in which orphaned wells are plugged;

(9) a projection of the amount of money needed for the next biennium for plugging orphaned wells, investigating, assessing, and cleaning up abandoned sites, and remediating surface locations; and

(10) the number of sites successfully remediated under the voluntary cleanup program under Subchapter O, Chapter 91, by region.

Sec. 81.070. ESTABLISHMENT OF SURCHARGES ON FEES. (a) Except as provided by Subsection (b), the commission by rule shall provide for the imposition of reasonable surcharges as necessary on fees imposed by the commission that are required to be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067 in amounts sufficient to enable the commission to recover the costs of performing the functions specified by Section 81.068 from those fees and surcharges.

(b) The commission may not impose a surcharge on an oil-field cleanup regulatory fee on oil collected under Section 81.116 or an oil-field cleanup regulatory fee on gas collected under Section 81.117.

(c) The commission by rule shall establish a methodology for determining the amount of a surcharge that takes into account:

(1) the time required for regulatory work associated with the activity in connection with which the surcharge is imposed;

(2) the number of individuals or entities from which the commission's costs may be recovered;

(3) the effect of the surcharge on operators of all sizes, as measured by the number of oil or gas wells operated;

(4) the balance in the oil and gas regulation and cleanup fund; and

(5) any other factors the commission determines to be important to the fair and equitable imposition of the surcharge.

(d) The commission shall collect a surcharge on a fee at the time the fee is collected.

(e) A surcharge collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067.

(f) Notwithstanding any other provision of this section, the commission may not set a surcharge in an amount that would generate an amount of revenue that exceeds the amount appropriated to the commission for performing the functions specified by Section 81.068.

SECTION ____.03. Section 81.115, Natural Resources Code, is amended to read as follows:

Sec. 81.115. APPROPRIATIONS [PAYMENTS] TO COMMISSION FOR OIL AND GAS REGULATION AND CLEANUP PURPOSES [DIVISION]. Money appropriated to the [oil and gas division of the] commission under the General Appropriations Act for the purposes described by Section 81.068 shall be paid from the oil and gas regulation and cleanup fund [General Revenue Fund].

SECTION ____.04. Subsections (d) and (e), Section 81.116, Natural Resources Code, are amended to read as follows:

(d) The comptroller shall suspend collection of the fee in the manner provided by Section 81.067 [91.111]. The exemptions and reductions set out in Sections 202.052, 202.054, 202.056, 202.057, 202.059, and 202.060, Tax Code, do not affect the fee imposed by this section.

(e) Proceeds from the fee, excluding [including] any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and [oil field] cleanup fund as provided by Section 81.067 [91.111 of this code].

SECTION ____.05. Subsections (d) and (e), Section 81.117, Natural Resources Code, are amended to read as follows:

(d) The comptroller shall suspend collection of the fee in the manner provided by Section 81.067 [91.111]. The exemptions and reductions set out in Sections 201.053, 201.057, 201.058, and 202.060, Tax Code, do not affect the fee imposed by this section.

(e) Proceeds from the fee, excluding [including] any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and [oil field] cleanup fund as provided by Section 81.067 [91.111 of this code].

SECTION ____.06. Subsection (d), Section 85.2021, Natural Resources Code, is amended to read as follows:

(d) All fees collected under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____.07. Subsection (d), Section 89.024, Natural Resources Code, is amended to read as follows:

(d) An operator who files an abeyance of plugging report must pay an annual fee of \$100 for each well covered by the report. A fee collected under this section shall be deposited in the oil and gas regulation and [oil field] cleanup fund.

SECTION ____ .08. Subsection (d), Section 89.026, Natural Resources Code, is amended to read as follows:

(d) An operator who files documentation described by Subsection (a) must pay an annual fee of \$50 for each well covered by the documentation. A fee collected under this section shall be deposited in the oil and gas regulation and [oil field] cleanup fund.

SECTION ____ .09. Subsection (d), Section 89.048, Natural Resources Code, is amended to read as follows:

(d) On successful plugging of the well by the well plugger, the surface estate owner may submit documentation to the commission of the cost of the well-plugging operation. The commission shall reimburse the surface estate owner from money in the oil and gas regulation and [oil field] cleanup fund in an amount not to exceed 50 percent of the lesser of:

(1) the documented well-plugging costs; or

(2) the average cost incurred by the commission in the preceding 24 months in plugging similar wells located in the same general area.

SECTION ____ .10. Subsection (j), Section 89.083, Natural Resources Code, is amended to read as follows:

(j) Money collected in a suit under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____ .11. Subsection (d), Section 89.085, Natural Resources Code, is amended to read as follows:

(d) The commission shall deposit money received from the sale of well-site equipment or hydrocarbons under this section to the credit of the oil and gas regulation and [oil field] cleanup fund. The commission shall separately account for money and credit received for each well.

SECTION ____ .12. The heading to Section 89.086, Natural Resources Code, is amended to read as follows:

Sec. 89.086. CLAIMS AGAINST OIL AND GAS REGULATION AND [THE OIL FIELD] CLEANUP FUND.

SECTION ____ .13. Subsections (a) and (h) through (k), Section 89.086, Natural Resources Code, are amended to read as follows:

(a) A person with a legal or equitable ownership or security interest in well-site equipment or hydrocarbons disposed of under Section 89.085 ~~[of this code]~~ may make a claim against the oil and gas regulation and [oil field] cleanup fund unless an element of the transaction giving rise to the interest occurs after the commission forecloses its statutory lien under Section 89.083.

(h) The commission shall suspend an amount of money in the oil and gas regulation and [oil field] cleanup fund equal to the amount of the claim until the claim is finally resolved. If the provisions of Subsection (k) ~~[of this section]~~ prevent suspension of the full amount of the claim, the commission shall treat the claim as two consecutively filed claims, one in the amount of funds available for suspension and the other in the remaining amount of the claim.

(i) A claim made by or on behalf of the operator or a nonoperator of a well or a successor to the rights of the operator or nonoperator is subject to a ratable deduction from the proceeds or credit received for the well-site equipment to cover the costs incurred by the commission in removing the equipment or hydrocarbons from the well or in transporting, storing, or disposing of the equipment or hydrocarbons. A claim made by a person who is not an operator or nonoperator is subject to a ratable deduction for the costs incurred by the commission in removing the equipment from the well. If a claimant is a person who is responsible under law or commission rules for plugging the well or cleaning up pollution originating on the lease or if the claimant owes a penalty assessed by the commission or a court for a violation of a commission rule or order, the commission may recoup from or offset against a valid claim an expense incurred by the oil and gas regulation and [oil-field] cleanup fund that is not otherwise reimbursed or any penalties owed. An amount recouped from, deducted from, or offset against a claim under this subsection shall be treated as an invalid portion of the claim and shall remain suspended in the oil and gas regulation and [oil-field] cleanup fund in the manner provided by Subsection (j) ~~[of this section]~~.

(j) If the commission finds that a claim is valid in whole or in part, the commission shall pay the valid portion of the claim from the suspended amount in the oil and gas regulation and [oil-field] cleanup fund not later than the 30th day after the date of the commission's decision. If the commission finds that a claim is invalid in whole or in part, the commission shall continue to suspend in the oil and gas regulation and [oil-field] cleanup fund an amount equal to the invalid portion of the claim until the period during which the commission's decision may be appealed has expired or, if appealed, during the period the case is under judicial review. If on appeal the district court finds the claim valid in whole or in part, the commission shall pay the valid portion of the claim from the suspended amount in the oil and gas regulation and [oil-field] cleanup fund not later than 30 days after the date the court's judgment becomes unappealable. On the date the commission's decision is not subject to judicial review, the commission shall release from the suspended amount in the oil and gas regulation and [oil-field] cleanup fund the amount of the claim held to be invalid.

(k) If the aggregate of claims paid and money suspended that relates to well-site equipment or hydrocarbons from a particular well equals the total of the actual proceeds and credit realized from the disposition of that equipment or those hydrocarbons, the oil and gas regulation and [oil-field] cleanup fund is not liable for any subsequently filed claims that relate to the same equipment or hydrocarbons unless and until the commission releases from the suspended amount money derived from the disposition of that equipment or those hydrocarbons. If the commission releases money, then the commission shall suspend money in the amount of subsequently filed claims in the order of filing.

SECTION ____ .14. Subsection (b), Section 89.121, Natural Resources Code, is amended to read as follows:

(b) Civil penalties collected for violations of this chapter or of rules relating to plugging that are adopted under this code shall be deposited in the general revenue [state oil-field cleanup] fund.

SECTION ____15. Subsection (c), Section 91.1013, Natural Resources Code, is amended to read as follows:

(c) Fees collected under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____16. Section 91.108, Natural Resources Code, is amended to read as follows:

Sec. 91.108. DEPOSIT AND USE OF FUNDS. Subject to the refund provisions of Section 91.1091, if applicable, proceeds from bonds and other financial security required pursuant to this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies shall be deposited in the oil and gas regulation and [oil field] cleanup fund and, notwithstanding Sections 81.068 [91.112] and 91.113, may be used only for actual well plugging and surface remediation.

SECTION ____17. Subsection (a), Section 91.109, Natural Resources Code, is amended to read as follows:

(a) A person applying for or acting under a commission permit to store, handle, treat, reclaim, or dispose of oil and gas waste may be required by the commission to maintain a performance bond or other form of financial security conditioned that the permittee will operate and close the storage, handling, treatment, reclamation, or disposal site in accordance with state law, commission rules, and the permit to operate the site. However, this section does not authorize the commission to require a bond or other form of financial security for saltwater disposal pits, emergency saltwater storage pits (including blow-down pits), collecting pits, or skimming pits provided that such pits are used in conjunction with the operation of an individual oil or gas lease. Subject to the refund provisions of Section 91.1091 ~~[of this code]~~, proceeds from any bond or other form of financial security required by this section shall be placed in the oil and gas regulation and [oil field] cleanup fund. Each bond or other form of financial security shall be renewed and continued in effect until the conditions have been met or release is authorized by the commission.

SECTION ____18. Subsections (a) and (f), Section 91.113, Natural Resources Code, are amended to read as follows:

(a) If oil and gas wastes or other substances or materials regulated by the commission under Section 91.101 are causing or are likely to cause the pollution of surface or subsurface water, the commission, through its employees or agents, may use money in the oil and gas regulation and [oil field] cleanup fund to conduct a site investigation or environmental assessment or control or clean up the oil and gas wastes or other substances or materials if:

(1) the responsible person has failed or refused to control or clean up the oil and gas wastes or other substances or materials after notice and opportunity for hearing;

(2) the responsible person is unknown, cannot be found, or has no assets with which to control or clean up the oil and gas wastes or other substances or materials; or

(3) the oil and gas wastes or other substances or materials are causing the pollution of surface or subsurface water.

(f) If the commission conducts a site investigation or environmental assessment or controls or cleans up oil and gas wastes or other substances or materials under this section, the commission may recover all costs incurred by the commission from any person who was required by law, rules adopted by the commission, or a valid order of the commission to control or clean up the oil and gas wastes or other substances or materials. The commission by order may require the person to reimburse the commission for those costs or may request the attorney general to file suit against the person to recover those costs. At the request of the commission, the attorney general may file suit to enforce an order issued by the commission under this subsection. A suit under this subsection may be filed in any court of competent jurisdiction in Travis County. Costs recovered under this subsection shall be deposited to the oil and gas regulation and ~~oil field~~ cleanup fund.

SECTION _____.19. Subsection (c), Section 91.264, Natural Resources Code, is amended to read as follows:

(c) A penalty collected under this section shall be deposited to the credit of the general revenue ~~oil field cleanup~~ fund ~~account~~.

SECTION _____.20. Subsection (b), Section 91.457, Natural Resources Code, is amended to read as follows:

(b) If a person ordered to close a saltwater disposal pit under Subsection (a) [~~of this section~~] fails or refuses to close the pit in compliance with the commission's order and rules, the commission may close the pit using money from the oil and gas regulation and ~~oil field~~ cleanup fund and may direct the attorney general to file suits in any courts of competent jurisdiction in Travis County to recover applicable penalties and the costs incurred by the commission in closing the saltwater disposal pit.

SECTION _____.21. Subsection (c), Section 91.459, Natural Resources Code, is amended to read as follows:

(c) Any ~~penalties or~~ costs recovered by the attorney general under this subchapter shall be deposited in the oil and gas regulation and ~~oil field~~ cleanup fund.

SECTION _____.22. Subsection (e), Section 91.605, Natural Resources Code, is amended to read as follows:

(e) The fees collected under this section shall be deposited in the oil and gas regulation and ~~oil field~~ cleanup fund.

SECTION _____.23. Subsection (e), Section 91.654, Natural Resources Code, is amended to read as follows:

(e) Fees collected under this section shall be deposited to the credit of the oil and gas regulation and ~~oil field~~ cleanup fund under Section 81.067 [~~91.111~~].

SECTION _____.24. Subsection (b), Section 91.707, Natural Resources Code, is amended to read as follows:

(b) Fees collected under this section shall be deposited to the oil and gas regulation and ~~oil field~~ cleanup fund.

SECTION _____.25. The heading to Section 121.211, Utilities Code, is amended to read as follows:

Sec. 121.211. PIPELINE SAFETY AND REGULATORY FEES.

SECTION ____ .26. Subsections (a) through (e) and (h), Section 121.211, Utilities Code, are amended to read as follows:

(a) The railroad commission by rule may adopt a [an inspection] fee to be assessed annually against operators of natural gas distribution pipelines and their pipeline facilities and natural gas master metered pipelines and their pipeline facilities subject to this title [chapter].

(b) The railroad commission by rule shall establish the method by which the fee will be calculated and assessed. In adopting a fee structure, the railroad commission may consider any factors necessary to provide for the equitable allocation among operators of the costs of administering the railroad commission's pipeline safety and regulatory program under this title [chapter].

(c) The total amount of fees estimated to be collected under rules adopted by the railroad commission under this section may not exceed the amount estimated by the railroad commission to be necessary to recover the costs of administering the railroad commission's pipeline safety and regulatory program under this title [chapter], excluding costs that are fully funded by federal sources.

(d) The commission may assess each operator of a natural gas distribution system subject to this title [chapter] an annual [inspection] fee not to exceed one dollar for each service line reported by the system on the Distribution Annual Report, Form RSPA F7100.1-1, due on March 15 of each year. The fee is due March 15 of each year.

(e) The railroad commission may assess each operator of a natural gas master metered system subject to this title [chapter] an annual [inspection] fee not to exceed \$100 for each master metered system. The fee is due June 30 of each year.

(h) A fee collected under this section shall be deposited to the credit of the general revenue fund to be used for the pipeline safety and regulatory program.

SECTION ____ .27. Section 29.015, Water Code, is amended to read as follows:

Sec. 29.015. APPLICATION FEE. With each application for issuance, renewal, or material amendment of a permit, the applicant shall submit to the railroad commission a nonrefundable fee of \$100. Fees collected under this section shall be deposited in the oil and gas regulation and [oil-field] cleanup fund.

SECTION ____ .28. The following provisions of the Natural Resources Code are repealed:

- (1) Section 91.111; and
- (2) Section 91.112.

SECTION ____ .29. On the effective date of this article:

- (1) the oil-field cleanup fund is abolished;
- (2) any money remaining in the oil-field cleanup fund is transferred to the oil and gas regulation and cleanup fund;
- (3) any claim against the oil-field cleanup fund is transferred to the oil and gas regulation and cleanup fund; and
- (4) any amount required to be deposited to the credit of the oil-field cleanup fund shall be deposited to the credit of the oil and gas regulation and cleanup fund.

Floor Amendment No. 6

Amend Amendment No. 5 by Darby to **CSSB 1811** (page 27 of the prefiled amendment packet) by striking Section 161.060, Agriculture Code (page 1, lines 8-21) and substituting the following:

Sec. 161.060. AUTHORITY TO SET AND COLLECT [INSPECTION] FEES.

(a) The commission by rule may set and collect a fee for any service provided [charge a fee, as provided by commission rule, for an inspection made] by the commission, including:

- (1) the inspection of animals or facilities;
- (2) the testing of animals for disease;
- (3) obtaining samples from animals for disease testing;
- (4) disease eradication and treatment efforts;
- (5) services related to the transport of livestock;
- (6) control and eradication of ticks and other pests; and
- (7) any other service for which the commission incurs a cost.

(b) The total amount of fees collected under this section during the biennium ending August 31, 2013 may not exceed \$6 million.

(c) This section expires September 1, 2013.

Floor Amendment No. 7

Amend Amendment No. 5 to **CSSB 1811** by Darby (page 27 of the amendment packet) as follows:

On page 20, line 8 of the amendment, after "sources.", insert "No more than five cents of the annual one dollar service line fee may be used to fund the agency's regulatory program."

Floor Amendment No. 8

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CORRECTIONAL MANAGED HEALTH CARE

SECTION ____ . Section 501.133(a), Government Code, is amended to read as follows:

(a) The committee consists of the following six [nine] members [appointed as follows]:

(1) two members employed full-time by the department, at least one of whom is a physician, appointed by the executive director;

(2) ~~[two members employed full-time by The University of Texas Medical Branch at Galveston, at least one of whom is a physician, appointed by the president of the medical branch;~~

~~[(3) two members employed full-time by the Texas Tech University Health Sciences Center, at least one of whom is a physician, appointed by the president of the university; and~~

[(4)] three public members appointed by the governor who are not affiliated with the department or with any entity with which the committee has contracted to provide health care services under this chapter, at least two of whom are physicians; and

(3) the state Medicaid director, to serve as an ex officio, nonvoting member [licensed to practice medicine in this state].

SECTION _____. Section 501.135(b), Government Code, is amended to read as follows:

(b) A person may not be an appointed [a] member of the committee and may not be a committee employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care or health care services; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care or health care services.

SECTION _____. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. TERMS OF OFFICE. Committee members appointed by the governor serve staggered six-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year. Committee [~~Other committee~~] members appointed by the executive director serve at the will of the executive director [appointing official] or until termination of the member's employment with the department [entity the member represents].

SECTION _____. Section 501.137, Government Code, is amended to read as follows:

Sec. 501.137. PRESIDING OFFICER. The governor shall designate a public member of the committee who is a physician [~~licensed to practice medicine in this state~~] as presiding officer. The presiding officer serves in that capacity at the will of the governor.

SECTION _____. Section 501.142, Government Code, is amended to read as follows:

Sec. 501.142. ADMINISTRATION; PERSONNEL. The committee may hire a managed health care administrator, who may be familiar with health care rate structures and may employ personnel necessary for the administration of the committee's duties. The committee shall pay necessary costs for its operation, including costs of hiring the managed health care administrator and other personnel, from funds appropriated by the legislature to the department for correctional health care.

SECTION _____. Section 501.147, Government Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) The committee may enter into a contract on behalf of the department to fully implement the managed health care plan under this subchapter. A contract entered into under this subsection must:

(1) include provisions necessary to ensure that The University of Texas Medical Branch at Galveston is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and

(2) require the health care provider to receive payment for services on a capitated, fee-for-service, or contracted basis.

(e) The committee shall take action as necessary to ensure that the committee contracts only with an entity that can provide services within the amount appropriated for those purposes by the General Appropriations Act.

(f) A contract entered into under this section must allow the committee access to all of the contracting entity's financial records and written policy standards that relate to any inmate health care issue or concern.

SECTION ____ . Section 501.148, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (e) to read as follows:

(a) The committee shall:

(1) develop statewide policies for the delivery of correctional health care;

(2) maintain contracts for health care services in consultation with the department and the health care providers;

(3) communicate with the department and the legislature regarding the financial needs of the correctional health care system;

(4) allocate funding made available through legislative appropriations for correctional health care;

(5) monitor the expenditures of The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center to ensure that those expenditures comply with applicable statutory and contractual requirements;

(6) serve as a dispute resolution forum, and final authority regarding standards of care, in the event of a disagreement relating to inmate health care services between:

(A) the department and the health care providers; or

(B) The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center;

(7) address problems found through monitoring activities by the department and health care providers, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;

(8) identify and address long-term needs of the correctional health care system; and

(9) report to the Texas Board of Criminal Justice at the board's regularly scheduled meeting each quarter on the committee's policy decisions, the financial status of the correctional health care system, and corrective actions taken by or required of the department or the health care providers.

(a-1) The committee annually shall develop and submit to the department, the governor, and the Legislative Budget Board a proposed budget for the performance of the committee's duties and responsibilities under this subchapter. Except to the extent the budget is modified by the budget execution process under Chapter 317, the department shall provide funding to the committee in accordance with the budget.

(e) In addition to contracting under Subsection (c) or (d), the committee may contract with an independent certified public accountant or other independent qualified individual with specific health care auditing and billing expertise to perform a complete audit of or actuarial analysis concerning all or any part of the managed health care system and shall contract with an independent qualified individual to conduct an annual audit of all medical billing performed by the health care providers.

SECTION ____ . Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1481 to read as follows:

Sec. 501.1481. STUDY; ANNUAL REPORT. (a) The committee shall conduct an ongoing study that includes:

(1) a review of the viability and cost-effectiveness of:

(A) contracting with nongovernmental entities that are health care providers in rural or other designated areas or for specialized services only;

(B) contracting for certain services with nursing homes, convalescent homes, or similar facilities, including facilities owned and operated by the state;

(C) arranging for the use under the managed health care plan of any excess bed capacity in hospitals owned or operated by the state; and

(D) purchasing reinsurance, stop-loss insurance, or similar insurance for high-risk cases;

(2) a review of medical care case management policies and the manner in which those policies are implemented;

(3) an identification and itemization of primary and secondary costs of correctional managed health care, including costs related to transportation, use of community hospitals, pharmaceutical care, dental care, and end-of-life policies; and

(4) an identification of sources of financial support available from the federal government, including federal grants.

(b) In conducting a study under Subsection (a), the committee shall consider the relationship between constitutional standards of care applicable to the correctional setting and the actual level of care provided and shall apply a cost-benefit analysis to that consideration.

(c) Not later than December 31 of each year, the committee shall prepare and submit to the department, the governor, and the Legislative Budget Board a report that contains findings and recommendations based on the results of the study during the preceding calendar year, including short-term and long-term policy and management recommendations for reducing costs. The committee shall also provide a copy of the report on request to any health care provider participating in the correctional managed health care provider network.

SECTION ____ . Not later than December 31, 2012, the Correctional Managed Health Care Committee shall submit to the Texas Department of Criminal Justice, the governor, and the Legislative Budget Board the first report required by Section 501.1481, Government Code, as added by this Act.

Floor Amendment No. 9

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING LEASING CERTAIN STATE FACILITIES

SECTION _____.01. The heading to Section 2165.2035, Government Code, is amended to read as follows:

Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; USE AFTER HOURS.

SECTION _____.02. Subchapter E, Chapter 2165, Government Code, is amended by adding Sections 2165.204, 2165.2045, and 2165.2046 to read as follows:

Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS INDIVIDUAL PARKING SPACES. (a) The commission may lease to a private individual an individual parking space in a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS BLOCKS OF PARKING SPACE. (a) The commission may lease to an institution of higher education or a local government all or a significant block of a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. On or before October 1 of each even-numbered year, the commission shall submit a report to the Legislative Budget Board describing the effectiveness of parking programs developed by the commission under this subchapter. The report must, at a minimum, include:

- (1) the yearly revenue generated by the programs;
- (2) the yearly administrative and enforcement costs of each program;
- (3) yearly usage statistics for each program; and
- (4) initiatives and suggestions by the commission to:
 - (A) modify administration of the programs; and
 - (B) increase revenue generated by the programs.

SECTION _____.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. FISCAL MATTERS RELATING TO SECRETARY OF STATE

SECTION _____.01. Section 405.014, Government Code, is amended to read as follows:

Sec. 405.014. ACTS OF THE LEGISLATURE. (a) At each session of the legislature the secretary of state shall obtain the bills that have become law. Immediately after the closing of each session of the legislature, the secretary of state shall bind all enrolled bills and resolutions in volumes on which the date of the session is placed.

(b) As soon as practicable after the closing of each session of the legislature, the secretary of state shall publish and maintain electronically the bills enacted at that session. The electronic publication must be:

(1) indexed by bill number and assigned chapter number for each bill; and

(2) made available by an electronic link on the secretary of state's generally accessible Internet website.

SECTION ____ .02. Subchapter B, Chapter 2158, Government Code, is repealed.

SECTION ____ .03. The change in law made by this article does not apply to a contract for the publication of the laws of this state entered into before the effective date of this article.

SECTION ____ .04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE ____ . FISCAL MATTERS REGARDING ATTORNEY GENERAL

SECTION ____ .01. Section 402.006, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The attorney general may charge a reasonable fee for the electronic filing of a document.

SECTION ____ .02. The heading to Section 402.0212, Government Code, is amended to read as follows:

Sec. 402.0212. PROVISION OF LEGAL SERVICES—OUTSIDE COUNSEL; FEES.

SECTION ____ .03. Section 402.0212, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) An invoice submitted to a state agency under a contract for legal services as described by Subsection (a) must be reviewed by the attorney general to determine whether the invoice is eligible for payment.

(c) An attorney or law firm must pay an administrative fee to the attorney general for the review described in Subsection (b) when entering into a contract to provide legal services to a state agency.

(d) For purposes of this section, the functions of a hearing examiner, administrative law judge, or other quasi-judicial officer are not considered legal services.

(e) [(e)] This section shall not apply to the Texas Turnpike Authority division of the Texas Department of Transportation.

(f) The attorney general may adopt rules as necessary to implement and administer this section.

SECTION ____ .04. Section 371.051, Transportation Code, is amended to read as follows:

Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE.

(a) A toll project entity may not enter into a comprehensive development agreement unless the attorney general reviews the proposed agreement and determines that it is legally sufficient.

(b) A toll project entity shall pay a nonrefundable examination fee to the attorney general on submitting a proposed comprehensive development agreement for review. At the time the examination fee is paid, the toll project entity shall also submit for review a complete transcript of proceedings related to the comprehensive development agreement.

(c) If the toll project entity submits multiple proposed comprehensive development agreements relating to the same toll project for review, the entity shall pay the examination fee under Subsection (b) for each proposed comprehensive development agreement.

(d) The attorney general shall provide a legal sufficiency determination not later than the 60th business day after the date the examination fee and transcript of the proceedings required under Subsection (b) are received. If the attorney general cannot provide a legal sufficiency determination within the 60-business-day period, the attorney general shall notify the toll project entity in writing of the reason for the delay and may extend the review period for not more than 30 business days.

(e) After the attorney general issues a legal sufficiency determination, a toll project entity may supplement the transcript of proceedings or amend the comprehensive development agreement to facilitate a redetermination by the attorney general of the prior legal sufficiency determination issued under this section.

(f) The toll project entity may collect or seek reimbursement of the examination fee under Subsection (b) from the private participant.

(g) The attorney general by rule shall set the examination fee required under Subsection (b) in a reasonable amount and may adopt other rules as necessary to implement this section. The fee may not be set in an amount that is determined by a percentage of the cost of the toll project. The amount of the fee may not exceed reasonable attorney's fees charged for similar legal services in the private sector.

SECTION ____ .05. (a) Section 81.054, Government Code, is amended by adding Subsection (m) to read as follows:

(m) A member is not required to pay a membership fee for a year in which the member is in good standing and employed as a full-time attorney by the office of the attorney general. The state bar shall adopt rules governing the proration of a membership fee paid by an attorney who is employed by the office of the attorney general for part, but not all, of a year. This subsection expires January 1, 2016.

(b) Subsection (m), Section 81.054, Government Code, as added by this section, applies to a membership fee for membership or renewal of membership in the State Bar of Texas that becomes due on or after the effective date of this section. A membership fee for membership or renewal of membership that becomes due before the effective date of this section is governed by the law in effect on the date the membership fee becomes due, and the former law is continued in effect for that purpose.

(c) This section takes effect January 1, 2012.

SECTION ____ .06. The fee prescribed by Section 402.006, Government Code, as amended by this article, applies only to a document electronically submitted to the office of the attorney general on or after the effective date of this article.

SECTION ____ .07. The fee prescribed by Section 402.0212, Government Code, as amended by this article, applies only to invoices for legal services submitted to the office of the attorney general for review on or after the effective date of this article.

SECTION ____ .08. The fee prescribed by Section 371.051, Transportation Code, as amended by this article, applies only to a comprehensive development agreement submitted to the office of the attorney general on or after the effective date of this article.

SECTION ____ .09. The changes in law made by this article apply only to a contract for legal services between a state agency and a private attorney or law firm entered into on or after the effective date of this article. A contract for legal services between a state agency and a private attorney or law firm entered into before the effective date of this article is governed by the law in effect at the time the contract was entered into, and the former law is continued in effect for that purpose.

SECTION ____ .10. Except as otherwise provided by this article, this article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE ____ . TEXAS PRESERVATION TRUST FUND ACCOUNT

SECTION ____ .01. Subsections (a), (b), and (f), Section 442.015, Government Code, are amended to read as follows:

(a) Notwithstanding ~~Section [Sections 403.094 and]~~ 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, income earned [earnings] on money in the account, and any other money received under this section. Money in [Distributions from] the account may be used only for the purposes of this section and ~~[may not be used]~~ to pay operating expenses of the commission. Money allocated to the commission's historic preservation grant program shall be deposited to the credit of the account. Income earned [Earnings] on money in the account shall be deposited to the credit of the account.

(b) The commission may use money in [distributions from] the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting,

vandalism, or other threat to the property. Gifts and grants deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If such a specification is not made, the gift or grant shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account. If such a specification is made, the entire amount of the gift or grant may be used during any period for the project or type of project specified.

(f) The advisory board shall recommend to the commission rules for administering this section [~~Subsections (a) - (e)~~].

SECTION _____.02. Subsections (h), (i), (j), (k), and (l), Section 442.015, Government Code, are repealed.

SECTION _____.03. The comptroller of public accounts and the Texas Historical Commission shall enter into a memorandum of understanding to facilitate the conversion of assets of the Texas preservation trust fund account into cash for deposit into the state treasury using a method that provides for the lowest amount of revenue loss to the state.

SECTION _____.04. This article takes effect November 1, 2011.

ARTICLE _____. FISCAL MATTERS CONCERNING INFORMATION
TECHNOLOGY

SECTION _____.01. Section 2054.380, Government Code, is amended to read as follows:

Sec. 2054.380. FEES. (a) The department shall set and charge a fee to each state agency that receives a service from a statewide technology center in an amount sufficient to cover the direct and indirect cost of providing the service.

(b) Revenue derived from the collection of fees imposed under Subsection (a) may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under this chapter and Chapter 2059; and

(2) providing shared information resources technology services under this chapter.

SECTION _____.02. Subsection (d), Section 2157.068, Government Code, is amended to read as follows:

(d) The department may charge a reasonable administrative fee to a state agency, political subdivision of this state, or governmental entity of another state that purchases commodity items through the department in an amount that is sufficient to recover costs associated with the administration of this section. Revenue derived from the collection of fees imposed under this subsection may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under Chapters 2054 and 2059; and

(2) providing shared information resources technology services under Chapter 2054.

SECTION _____.03. Subsections (a) and (d), Section 2170.057, Government Code, are amended to read as follows:

(a) The department shall develop a system of billings and charges for services provided in operating and administering the consolidated telecommunications system that allocates the total state cost to each entity served by the system based on

proportionate usage. The department shall set and charge a fee to each entity that receives services provided under this chapter in an amount sufficient to cover the direct and indirect costs of providing the service. Revenue derived from the collection of fees imposed under this subsection may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under Chapters 2054 and 2059; and

(2) providing:

(A) shared information resources technology services under Chapter 2054; and

(B) network security services under Chapter 2059.

(d) The department shall maintain in the revolving fund account sufficient amounts to pay the bills of the consolidated telecommunications system and the centralized capitol complex telephone system. [The department shall certify amounts that exceed this amount to the comptroller, and the comptroller shall transfer the excess amounts to the credit of the statewide network applications account established by Section 2054.011.]

SECTION ____ .04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE ____ . STATE DEBT

SECTION ____ .01. Chapter 1231, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. LIMIT ON STATE DEBT PAYABLE FROM GENERAL REVENUE FUND

Sec. 1231.151. DEFINITIONS. In this subchapter:

(1) "Maximum annual debt service" means the limitation on annual debt service imposed by Section 49-j(a), Article III, Texas Constitution.

(2) "State debt payable from the general revenue fund" has the meaning assigned by Section 49-j(b), Article III, Texas Constitution.

(3) "Unissued debt" means state debt payable from the general revenue fund that has been authorized but not issued.

Sec. 1231.152. COMPUTATION OF DEBT LIMIT. In computing the annual debt service in a state fiscal year on state debt payable from the general revenue fund for purposes of determining whether additional state debt may be authorized without exceeding the maximum annual debt service, the board may employ any assumptions related to unissued debt that the board determines are necessary to reflect common or standard debt issuance practices authorized by law, including assumptions regarding:

(1) interest rates;

(2) debt maturity; and

(3) debt service payment structures.

Sec. 1231.153. REPORT ON COMPUTATION. (a) The board shall publish during each state fiscal year a report providing a detailed description of the method used to compute the annual debt service in that fiscal year on state debt payable from the general revenue fund for purposes of determining whether additional state debt may be authorized. The report must describe:

(1) the debt service included in the computation, including debt service on issued and unissued debt;

(2) the assumptions on which the debt service on unissued debt was based;
and

(3) any other factors required by law that affect the computation.

(b) The board may publish the report required by this section as a component of any other report required by law, including the annual report required by Section 1231.102, or as an independent report. The board shall make the report available to the public.

SECTION _____.02. The Bond Review Board shall publish the initial report required by Section 1231.153, Government Code, as added by this article, during the state fiscal year beginning September 1, 2011.

SECTION _____.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE _____. CONTINUING LEGAL EDUCATION REQUIREMENTS FOR
ATTORNEY EMPLOYED BY ATTORNEY GENERAL

SECTION _____.01. Section 81.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The state bar shall credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by the office of the attorney general. An attorney credited for continuing legal education under this subsection must meet the continuing legal education requirements of the state bar in legal ethics or professional responsibility. This subsection expires January 1, 2014.

SECTION _____.02. Subchapter A, Chapter 402, Government Code, is amended by adding Section 402.010 to read as follows:

Sec. 402.010. CONTINUING LEGAL EDUCATION PROGRAMS. The office of the attorney general shall recognize, prepare, or administer continuing legal education programs that meet continuing legal education requirements imposed under Section 81.113(c) for the attorneys employed by the office. This section expires January 1, 2014.

SECTION _____.03. Section 81.113, Government Code, as amended by this article, applies only to the requirements for a continuing legal education compliance year that ends on or after September 1, 2011. The requirements for continuing legal education for a compliance year that ends before September 1, 2011, are covered by the law and rules in effect when the compliance year ended, and that law and those rules are continued in effect for that purpose.

ARTICLE _____. REGISTRATION FEE AND REGISTRATION RENEWAL FEE
FOR LOBBYISTS

SECTION _____.01. Subsection (c), Section 305.005, Government Code, is amended to read as follows:

(c) The registration fee and registration renewal fee are:

(1) \$150 [~~\$400~~] for a registrant employed by an organization exempt from federal income tax under Section 501(c)(3) or 501(c)(4), Internal Revenue Code of 1986;

(2) \$75 [~~\$50~~] for any person required to register solely because the person is required to register under Section 305.0041 ~~[of this chapter]~~; or

(3) \$750 [~~\$500~~] for any other registrant.

ARTICLE ____ . ASSESSMENT OF PREMIUM DIFFERENTIAL ON CERTAIN PUBLIC EMPLOYEES WHO USE TOBACCO

SECTION ____ .01. Subchapter G, Chapter 1551, Insurance Code, is amended by adding Section 1551.3075 to read as follows:

Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL. (a) The board of trustees shall assess each participant in a health benefit plan provided under the group benefits program who uses one or more tobacco products a tobacco user premium differential, to be paid in monthly installments. Except as provided by Subsection (b), the board of trustees shall determine the amount of the monthly installments of the premium differential.

(b) If the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the tobacco user premium differential for that biennium, the board of trustees shall assess the premium differential during that biennium in the amount prescribed by the General Appropriations Act.

SECTION ____ .02. Section 1551.314, Insurance Code, is amended to read as follows:

Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A state contribution may not be:

(1) made for coverages under this chapter selected by an individual who receives a state contribution, other than as a spouse, dependent, or beneficiary, for coverages under a group benefits program provided by an institution of higher education, as defined by Section 61.003, Education Code; or

(2) made for or used to pay a tobacco user premium differential assessed under Section 1551.3075.

SECTION ____ .03. The board of trustees of the Employees Retirement System of Texas shall implement the tobacco user premium differential required under Section 1551.3075, Insurance Code, as added by this article, not later than January 1, 2012.

ARTICLE ____ . REGIONAL POISON CONTROL CENTER MANAGEMENT CONTROLS AND EFFICIENCY

SECTION ____ .01. Section 777.001, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The following medical facilities may be [Six regional centers for poison control are] designated by the Commission on State Emergency Communications as the regional poison control centers for the state [as follows]:

(1) The University of Texas Medical Branch at Galveston;

(2) the Dallas County Hospital District/North Texas Poison Center;

(3) The University of Texas Health Science Center at San Antonio;

(4) the University Medical Center of El Paso, El Paso County Hospital District;

- (5) the Texas Tech University Health Sciences Center at Amarillo; and
- (6) Scott and White Memorial Hospital, Temple, Texas.

(c) The Commission on State Emergency Communications may standardize the operations of and implement management controls to improve the efficiency of regional poison control centers ~~[vote to designate a seventh regional or satellite poison control center in Harris County. That poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers].~~

(d) If the Commission on State Emergency Communications implements management controls under Subsection (c), the commission shall submit to the governor and the Legislative Budget Board a plan for implementing the controls not later than October 31, 2011. This subsection expires January 1, 2013.

SECTION _____.02. Subsection (b), Section 777.008, Health and Safety Code, is amended to read as follows:

(b) The committee is composed of:

- (1) one public member appointed by the Commission on State Emergency Communications;
- (2) one member ~~[six members who represent the six regional poison control centers, one]~~ appointed by the chief executive officer of each designated regional poison control center to represent that center;
- (3) one member appointed by the commissioner of the Department of State Health Services; and
- (4) one member who is a health care professional designated as the poison control program coordinator appointed by the Commission on State Emergency Communications.

ARTICLE _____. AUTHORIZED USES FOR CERTAIN DEDICATED
PERMANENT FUNDS IN STATE TREASURY

SECTION _____.01. Section 403.105, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION _____.02. Section 403.1055, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas

Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION ____ .03. Section 403.106, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION ____ .04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE ____ . GENERAL HOUSING MATTERS

SECTION ____ .01. Section 481.078, Government Code, is amended by amending Subsection (c) and adding Subsections (d-1) and (d-2) to read as follows:

(c) Except as provided by Subsections [Subsection] (d) and (d-1), the fund may be used only for economic development, infrastructure development, community development, job training programs, and business incentives.

(d-1) The fund may be used for the Texas homeless housing and services program administered by the Texas Department of Housing and Community Affairs. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

(d-2) The fund may be used for the Jobs and Education for Texans Fund established under Chapter 403. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

SECTION ____ .02. Section 481.079, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For grants awarded for a purpose specified by Section 481.078(d-1), the report must include only the amount and purpose of each grant.

SECTION ____ .03. Subchapter K, Chapter 2306, Government Code, is amended by adding Section 2306.2585 to read as follows:

Sec. 2306.2585. HOMELESS HOUSING AND SERVICES PROGRAM. (a) The department may administer a homeless housing and services program in each municipality in this state with a population of 285,500 or more to:

(1) provide for the construction, development, or procurement of housing for homeless persons; and

(2) provide local programs to prevent and eliminate homelessness.

(b) The department may adopt rules to govern the administration of the program, including rules that:

(1) provide for the allocation of any available funding; and

(2) provide detailed guidelines as to the scope of the local programs in the municipalities described by Subsection (a).

(c) The department may use any available revenue, including legislative appropriations, and shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

SECTION ____ .04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE ____ . DEBT ISSUANCE AUTHORITY OF AND FUNDING FOR
CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS

SECTION ____ .01. Subchapter C, Chapter 1232, Government Code, is amended by adding Section 1232.1221 to read as follows:

Sec. 1232.1221. COMMENCEMENT OF CERTAIN MULTIYEAR CANCER-RELATED PROJECTS. (a) Funds may be distributed to a grant recipient for a multiyear project for which an award is granted by the Cancer Prevention and Research Institute of Texas Oversight Committee as authorized by Section 102.257, Health and Safety Code, after the authority has certified that obligations in an amount sufficient to pay the money needed to fund the project have been authorized for issuance by the authority and approved by the Bond Review Board.

(b) After issuing the obligations, the board shall:

(1) pay the costs of the issuance and any related bond administrative costs of the authority;

(2) certify to the Cancer Prevention and Research Institute of Texas and to the comptroller that the proceeds from the issuance are available; and

(3) deposit the proceeds into the state treasury to be credited to the account of the Cancer Prevention and Research Institute of Texas.

SECTION ____ .02. Subsections (b) and (c), Section 102.201, Health and Safety Code, are amended to read as follows:

(b) The cancer prevention and research fund consists of:

(1) patent, royalty, and license fees and other income received under a contract entered into as provided by Section 102.255;

(2) appropriations of money to the fund by the legislature, except that the appropriated money may not include the proceeds from the issuance of bonds authorized by Section 67, Article III, Texas Constitution;

(3) gifts, grants, including grants from the federal government, and other donations received for the fund; and

(4) interest earned on the investment of money in the fund.

(c) The fund may be used only to pay for:

(1) grants for cancer research and for cancer research facilities in this state to realize therapies, protocols, and medical procedures for the cure or substantial mitigation of all types of cancer in humans;

(2) the purchase, subject to approval by the institute, of laboratory facilities by or on behalf of a state agency or grant recipient;

(3) grants to public or private persons to implement the Texas Cancer Plan;

(4) the operation of the institute; ~~and~~

(5) grants for cancer prevention and control programs in this state to mitigate the incidence of all types of cancer in humans; and

(6) debt service on bonds issued as authorized by Section 67, Article III, Texas Constitution.

SECTION ____ .03. Section 102.257, Health and Safety Code, is amended to read as follows:

Sec. 102.257. MULTIYEAR PROJECTS. The oversight committee may grant funds for a multiyear project. The oversight committee must specify the total amount of ~~[All the]~~ money approved ~~[needed]~~ to fund the ~~[a]~~ multiyear project. The total amount specified is considered for purposes of Section 102.253 to have been ~~[must be]~~ awarded in the state fiscal year that the project is approved by the research and prevention programs committee. The institute shall distribute only the money that will be expended during that fiscal year. The institute may maintain the remaining money needed in each subsequent fiscal year ~~[shall be maintained]~~ in an escrow account to be distributed by the institute as the money is needed ~~[in subsequent years of the project]~~.

SECTION ____ .04. The changes in law made by this article apply only to a grant of funds for a multiyear project by the Cancer Prevention and Research Institute of Texas Oversight Committee as authorized by Section 102.257, Health and Safety Code, as amended by this article, made on or after June 1, 2011. A grant of funds for a multiyear project made before that date is governed by the law in effect on the date the grant was made, and the former law is continued in effect for that purpose.

SECTION ____ .05. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

ARTICLE ____ . PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM

SECTION ____ .01. Subsection (c), Section 434.017, Government Code, is amended to read as follows:

(c) Money in the fund may be appropriated to the Texas Veterans Commission to:

(1) enhance or improve veterans' assistance programs, including veterans' representation and counseling;

(2) make grants to address veterans' needs; ~~and~~

(3) administer the fund; and

(4) analyze and investigate data received from the federal Public Assistance Reporting Information System (PARIS) that is administered by the Administration for Children and Families of the United States Department of Health and Human Services.

SECTION ____ .02. The comptroller shall credit to the fund for veterans' assistance established under Section 434.017, Government Code, as amended by this article, the savings generated from the use of the federal Public Assistance Reporting Information System (PARIS) under that section.

ARTICLE ____ . UNIFORM GRANT AND CONTRACT MANAGEMENT

SECTION ____ .01. Section 783.004, Government Code, is amended to read as follows:

Sec. 783.004. OFFICE OF THE COMPTROLLER [~~GOVERNOR'S OFFICE~~]. The office of the comptroller [~~governor's office~~] is the state agency for uniform grant and contract management.

SECTION ____ .02. Subsections (a) and (b), Section 783.005, Government Code, are amended to read as follows:

(a) The comptroller [~~governor's office~~] shall develop uniform and concise language for any assurances that a local government is required to make to a state agency.

(b) The comptroller [~~governor's office~~] may:

- (1) categorize assurances according to the type of grant or contract;
- (2) designate programs to which the assurances are applicable; and
- (3) revise the assurances.

SECTION ____ .03. Section 783.006, Government Code, is amended to read as follows:

Sec. 783.006. STANDARD FINANCIAL MANAGEMENT CONDITIONS. (a) The comptroller [~~governor's office~~] shall compile and distribute to each state agency an official compilation of standard financial management conditions.

(b) The comptroller [~~governor's office~~] shall develop the compilation from Federal Management Circular A-102 or from a revision of that circular and from other applicable statutes and regulations.

(c) The comptroller [~~governor's office~~] shall include in the compilation official commentary regarding administrative or judicial interpretations that affect the application of financial management standards.

(d) The comptroller [~~governor's office~~] may:

- (1) categorize the financial management conditions according to the type of grant or contract;
- (2) designate programs to which the conditions are applicable; and
- (3) revise the conditions.

SECTION ____ .04. Subsection (d), Section 783.007, Government Code, is amended to read as follows:

(d) The agency shall file a notice of each proposed rule that establishes a variation from uniform assurances or standard conditions with the comptroller [~~governor's office~~].

SECTION ____ .05. Subsection (b), Section 783.008, Government Code, is amended to read as follows:

(b) On receipt of a request for a single audit or audit coordination, the comptroller [~~governor's office~~] in consultation with the state auditor shall not later than the 30th day after the date of the request designate a single state agency to coordinate state audits of the local government.

Floor Amendment No. 10

Amend Amendment No. 9 to **CSSB 1811** by Otto (prefiled amendment packet, beginning on page 396) by adding the following on page 23 of the amendment, immediately after line 26:

ARTICLE ____ . STATE ENERGY FACILITIES

SECTION ____ .01. Section 2166.001(4), Government Code, is amended to read as follows:

(4) "Project" means a building construction project that is financed wholly or partly by a specific appropriation, a bond issue, ~~or~~ federal money, or funds from another governmental or private entity. The term includes the construction of:

(A) a building, structure, or appurtenant facility or utility, including the acquisition and installation of original equipment and original furnishings; ~~and~~

(B) an addition to, or alteration, rehabilitation, or repair of, an existing building, structure, or appurtenant facility or utility; and

(C) an energy facility.

ARTICLE ____ . FISCAL MATTERS CONCERNING SURPLUS AND SALVAGE PROPERTY

SECTION ____ .01. Subchapter C, Chapter 2175, Government Code, is repealed.

SECTION ____ .02. Section 32.102(a), Education Code, is amended to read as follows:

(a) As provided by this subchapter, a school district or open-enrollment charter school may transfer to a student enrolled in the district or school:

(1) any data processing equipment donated to the district or school, including equipment donated by:

(A) a private donor; or

(B) a state eleemosynary institution or a state agency under Section 2175.905 ~~[2175.128]~~, Government Code;

(2) any equipment purchased by the district or school, to the extent consistent with Section 32.105; and

(3) any surplus or salvage equipment owned by the district or school.

SECTION ____ .03. Section 2175.002, Government Code, is amended to read as follows:

Sec. 2175.002. ADMINISTRATION OF CHAPTER. The commission is responsible for the disposal of surplus and salvage property of the state. The commission's surplus and salvage property division shall administer this chapter.

SECTION ____ .04. Section 2175.065, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The commission may authorize a state agency to dispose of surplus or salvage property if the agency demonstrates to the commission its ability to dispose of the property under this chapter ~~[Subchapters C and E]~~ in a manner that results in cost savings to the state, under commission rules adopted under this chapter.

(c) If property is disposed of under this section, the disposing state agency shall report the transaction to the commission. The report must include a description of the property disposed of, the reasons for disposal, the price paid for the property disposed of, and the recipient of the property disposed of.

(d) If the commission determines that a violation of a state law or rule has occurred based on the report under Subsection (c), the commission shall report the violation to the Legislative Budget Board.

SECTION ____ .05. The heading to Subchapter D, Chapter 2175, Government Code, is amended to read as follows:

SUBCHAPTER D. DISPOSITION OF SURPLUS OR SALVAGE PROPERTY [~~BY COMMISSION~~]

SECTION _____.06. Section 2175.181, Government Code, is amended to read as follows:

Sec. 2175.181. APPLICABILITY. [~~(a) This subchapter applies only to surplus and salvage property located in:~~

~~(1) Travis County;~~

~~(2) a county in which federal surplus property is warehoused by the commission under Subchapter G; or~~

~~(3) a county for which the commission determines that it is cost effective to follow the procedures created under this subchapter and informs affected state agencies of that determination.~~

~~[(b)] This subchapter applies [does not apply] to a state agency delegated the authority to dispose of surplus or salvage property under Section 2175.065.~~

SECTION _____.07. Section 2175.182, Government Code, is amended to read as follows:

Sec. 2175.182. STATE AGENCY TRANSFER OF PROPERTY [~~TO COMMISSION~~]. (a) A state agency that determines it has surplus or salvage property shall inform the commission of that fact for the purpose of determining the method of disposal of the property. [The commission is responsible for the disposal of surplus or salvage property under this subchapter.] The commission may take physical possession of the property.

(b) Based on the condition of the property, the commission, in conjunction with the state agency, shall determine whether the property is:

(1) surplus property that should be offered for transfer under Section 2175.184 or sold to the public; or

(2) salvage property.

(c) Following the determination in Subsection (b), the [The] commission shall direct the state agency to inform the comptroller's office of the property's kind, number, location, condition, original cost or value, and date of acquisition.

SECTION _____.08. Section 2175.1825, Government Code, is amended to read as follows:

Sec. 2175.1825. ADVERTISING ON COMPTROLLER WEBSITE. (a) Not later than the second day after the date the comptroller receives notice from a state agency [the commission] under Section 2175.182(c), the comptroller shall advertise the property's kind, number, location, and condition on the comptroller's website.

(b) The comptroller shall provide the commission access to all records in the state property accounting system related to surplus and salvage property.

SECTION _____.09. Section 2175.183, Government Code, is amended to read as follows:

Sec. 2175.183. COMMISSION NOTICE TO OTHER ENTITIES. The [On taking responsibility for surplus property under this subchapter, the] commission shall inform other state agencies, political subdivisions, and assistance organizations of the comptroller's website that lists surplus property that is available for sale.

SECTION _____.10. Section 2175.184, Government Code, is amended to read as follows:

Sec. 2175.184. DIRECT TRANSFER. During the 10 business days after the date the property is posted on the comptroller's website, a state agency, political subdivision, or assistance organization shall ~~may~~ coordinate with the commission for a transfer of the property at a price established by the commission ~~[in cooperation with the transferring agency]~~. A transfer to a state agency has priority over any other transfer during this period.

SECTION ____ .11. Section 2175.186(a), Government Code, is amended to read as follows:

(a) If a disposition of a state agency's surplus property is not made under Section 2175.184, the commission shall sell the property by competitive bid, auction, or direct sale to the public, including a sale using an Internet auction site. The commission may contract with a private vendor to assist with the sale of the property.

SECTION ____ .12. Section 2175.189, Government Code, is amended to read as follows:

Sec. 2175.189. ADVERTISEMENT OF SALE. If the value of an item or a lot of property to be sold is estimated to be more than \$25,000 ~~[\$5,000]~~, the commission shall advertise the sale at least once in at least one newspaper of general circulation in the vicinity in which the property is located.

SECTION ____ .13. Section 2175.191(a), Government Code, is amended to read as follows:

(a) Proceeds from the sale of surplus or salvage property, less the cost of advertising the sale, the cost of selling the surplus or salvage property, including the cost of auctioneer services or assistance from a private vendor, and the amount of the fee collected under Section 2175.188, shall be deposited to the credit of the general revenue fund of the state treasury.

SECTION ____ .14. Section 2175.302, Government Code, is amended to read as follows:

Sec. 2175.302. EXCEPTION FOR ELEEMOSYNARY INSTITUTIONS. Except as provided by Section 2175.905(b) ~~[2175.128(b)]~~, this chapter does not apply to the disposition of surplus or salvage property by a state eleemosynary institution.

SECTION ____ .15. Section 2175.904, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The commission shall establish a program for the sale of gambling equipment received from a municipality, from a commissioners court under Section 263.152(a)(5), Local Government Code, or from a state agency under this chapter.

(c) Proceeds from the sale of gambling equipment from a municipality or commissioners court, less the costs of the sale, including costs of advertising, storage, shipping, and auctioneer or broker services, and the amount of the fee collected under Section 2175.188 ~~[2175.131]~~, shall be divided according to an agreement between the commission and the municipality or commissioners court that provided the equipment for sale. The agreement must provide that:

(1) not less than 50 percent of the net proceeds be remitted to the commissioners court; and

(2) the remainder of the net proceeds retained by the commission be deposited to the credit of the general revenue fund.

(d) Proceeds from the sale of gambling equipment from a state agency, less the costs of the sale, including costs of advertising, storage, shipping, and auctioneer or broker services, and the amount of the fee collected under Section 2175.188, shall be deposited to the credit of the general revenue fund of the state treasury.

SECTION ____ .16. Subchapter Z, Chapter 2175, Government Code, is amended by adding Sections 2175.905 and 2175.906 to read as follows:

Sec. 2175.905. DISPOSITION OF DATA PROCESSING EQUIPMENT. (a) If a disposition of a state agency's surplus or salvage data processing equipment is not made under Section 2175.184, the state agency shall transfer the equipment to:

(1) a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code;

(2) an assistance organization specified by the school district; or

(3) the Texas Department of Criminal Justice.

(b) If a disposition of the surplus or salvage data processing equipment of a state eleemosynary institution or an institution or agency of higher education is not made under other law, the institution or agency shall transfer the equipment to:

(1) a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code;

(2) an assistance organization specified by the school district; or

(3) the Texas Department of Criminal Justice.

(c) The state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from the district, the school, the assistance organization, or the Texas Department of Criminal Justice for the surplus or salvage data processing equipment transferred under this section.

Sec. 2175.906. ABOLISHED AGENCIES. On abolition of a state agency, in accordance with Chapter 325, the commission shall take custody of all of the agency's property or other assets as surplus property unless other law or the legislature designates another appropriate governmental entity to take custody of the property or assets.

Floor Amendment No. 11

Amend Amendment No. 9 by Otto to **CSSB 1811** (page 396 of the prefiled amendment packet) as follows:

(1) In SECTION ____ .02 of the bill (page 1, between lines 21 and 22), inserting the following:

(c) In leasing a parking space under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for a parking space under Subsection (a), the commission shall give preference to an individual who is currently leasing or previously leased the parking space.

(2) In SECTION ____ .02 of the bill (page 2, between lines 2 and 3), inserting the following:

(c) In leasing all or a block of a state-owned parking lot or garage under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for all or a block of a state-owned parking lot or garage under Subsection (a), the commission shall give preference to an entity that is currently leasing or previously leased the lot or garage or a block of the lot or garage.

Floor Amendment No. 12

Amend Amendment No. 9 by Otto to **CSSB 1811** (page 396, prefiled amendment packet), in amended Section 305.005(c), Government Code (page 13, lines 7-8), by striking "Section 501(c)(3) or 501(c)(4)," and substituting "Section 501(c)(3), ~~or~~ 501(c)(4), or 501(c)(6)."

Floor Amendment No. 13

Amend Floor Amendment No. 9 by Otto to **CSSB 1811** (page 396, prefiled amendments packet) by adding the following immediately following page 23, line 26, of the amendment (page 418 of the prefiled amendments packet):

ARTICLE ____ . TEXAS COMMISSION ON FIRE PROTECTION FEES

SECTION ____ .01. Section 419.026(d), Government Code, is amended to read as follows:

(d) The commission shall send the fees authorized by Subsection (a) and Section 419.033(b) to the comptroller. The comptroller ~~[-who]~~ shall deposit a portion ~~[50 percent]~~ of the fees collected ~~[annually]~~ into ~~[the general revenue fund and 50 percent of the fees collected annually into]~~ a special account in the general revenue fund dedicated for use by the commission. In any state fiscal biennium, the comptroller may not deposit into the account fees in an amount that exceeds the amount appropriated to the commission for that biennium, less any other amount appropriated to the commission from a source other than the fees. The account is exempt from the application of Section 403.095. The comptroller shall deposit the remainder of the fees in the general revenue fund. ~~[Except as otherwise provided by this chapter, 50 percent of the special fund created under this subsection may be used only to defray the commission's costs in performing inspections under Section 419.027 and the other 50 percent may be used only to provide training assistance under Section 419.031.]~~

SECTION ____ .02. The dedication of certain fees to a special account in the general revenue fund dedicated for use by the Texas Commission on Fire Protection under Section 419.026(d), Government Code, was abolished effective August 31, 1995, under former Section 403.094(h), Government Code, as enacted by Section 11.04, Chapter 4 (SB 3), Acts of the 72nd Legislature, 1st Called Session, 1991. Those fees are rededicated to that fund by this article.

SECTION ____ .03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Floor Amendment No. 14

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING ALCOHOLIC BEVERAGE REGULATION

SECTION _____.01. Section 5.56, Alcoholic Beverage Code, is repealed.

Floor Amendment No. 15

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered article and renumbering subsequent articles and sections accordingly:

ARTICLE _____. LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND

SECTION _____.01. Section 815.317, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The comptroller shall deposit fees collected under Section 133.102(e)(7), Local Government Code, to the credit of the law enforcement and custodial officer supplemental retirement fund.

SECTION _____.02. Section 133.102(e), Local Government Code, is amended to read as follows:

(e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- (1) abused children's counseling 0.0088 percent;
- (2) crime stoppers assistance 0.2581 percent;
- (3) breath alcohol testing 0.5507 percent;
- (4) Bill Blackwood Law Enforcement Management Institute 2.1683 percent;
- (5) law enforcement officers standards and education 5.0034 percent;
- (6) comprehensive rehabilitation 5.3218 percent;
- (7) law enforcement and custodial officer supplemental retirement fund 11.1426 percent;
- ~~[operator's and chauffeur's license]~~
- (8) criminal justice planning 12.5537 percent;
- (9) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University 1.2090 percent;
- (10) compensation to victims of crime fund 37.6338 percent;
- (11) fugitive apprehension account 12.0904 percent;
- (12) judicial and court personnel training fund 4.8362 percent;
- (13) an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account 1.2090 percent; and
- (14) fair defense account 6.0143 percent.

SECTION _____.03. This article takes effect September 1, 2013.

Floor Amendment No. 16

Amend **CSSB 1811** by inserting the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 2155.082, Government Code, is amended to read as follows:

Sec. 2155.082. PROVIDING CERTAIN PURCHASING SERVICES ON FEE-FOR-SERVICE BASIS OR THROUGH BENEFIT FUNDING. (a) The comptroller [commission] may provide open market purchasing services on a fee-for-service basis for state agency purchases that are delegated to an agency under Section 2155.131, 2155.132, [~~2155.133,~~] or 2157.121 or that are exempted from the purchasing authority of the comptroller [commission]. The comptroller [commission] shall set the fees in an amount that recovers the comptroller's [commission's] costs in providing the services.

(b) The comptroller [commission] shall publish a schedule of [~~its~~] fees for services that are subject to this section. The schedule must include the comptroller's [commission's] fees for:

- (1) reviewing bid and contract documents for clarity, completeness, and compliance with laws and rules;
- (2) developing and transmitting invitations to bid;
- (3) receiving and tabulating bids;
- (4) evaluating and determining which bidder offers the best value to the state;
- (5) creating and transmitting purchase orders; and
- (6) participating in agencies' request for proposal processes.

(c) The comptroller may engage a consultant to assist with a particular procurement on behalf of a state agency and pay the consultant from the cost savings realized by the state agency.

Floor Amendment No. 17

Amend Amendment No. 16 by Cook to **CSSB 1811** (bar code no. 824129, page 241) by adding the following SECTION to the amendment:

SECTION _____. Subchapter B, Chapter 2155, Government Code, is amended by adding Section 2155.0721 to read as follows:

Sec. 2155.0721. REDUCING STATE AGENCY DOCUMENTATION AND REPORT COSTS. (a) The comptroller may identify opportunities to provide cost savings and efficiency through the use of transcription services to reduce the costs associated with the creation of state agency documentation and reports.

(b) To the extent that cost savings are identified, the comptroller shall contract with an experienced and proven provider of cost-effective transcription services for the offsite preparation of state agency documentation and reports.

(c) In evaluating prospective contractors to provide the transcription service and in determining the most effective method for providing the transcription services, the comptroller shall consider the total costs of the transcription services, the accuracy of the services provided, and state agency employee satisfaction with the services provided.

Floor Amendment No. 19

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SALES AND USE TAX COLLECTION AND ALLOCATION

SECTION ____ .01. Section 151.008(b), Tax Code, is amended to read as follows:

(b) "Seller" and "retailer" include:

(1) a person in the business of making sales at auction of tangible personal property owned by the person or by another;

(2) a person who makes more than two sales of taxable items during a 12-month period, including sales made in the capacity of an assignee for the benefit of creditors or receiver or trustee in bankruptcy;

(3) a person regarded by the comptroller as a seller or retailer under Section 151.024 ~~[of this code]~~;

(4) a hotel, motel, or owner or lessor of an office or residential building or development that contracts and pays for telecommunications services for resale to guests or tenants; ~~[and]~~

(5) a person who engages in regular or systematic solicitation of sales of taxable items in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio, or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system for the purpose of effecting sales of taxable items; and

(6) a person who, under an agreement with another person, is:

(A) entrusted with possession of tangible personal property with respect to which the other person has title or another ownership interest; and

(B) authorized to sell, lease, or rent the property without additional action by the person having title to or another ownership interest in the property.

SECTION ____ .02. Section 151.107, Tax Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) For the purpose of this subchapter and in relation to the use tax, a retailer is engaged in business in this state if the retailer:

(1) maintains, occupies, or uses in this state permanently, temporarily, directly, or indirectly or through a subsidiary or agent by whatever name, an office, ~~[place of]~~ distribution center, sales or sample room or place, warehouse, storage place, or any other physical location where ~~[place of]~~ business is conducted;

(2) has a representative, agent, salesman, canvasser, or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling or delivering or the taking of orders for a taxable item;

(3) derives receipts ~~[rentals]~~ from the sale, ~~[a]~~ lease, or rental of tangible personal property situated in this state;

(4) engages in regular or systematic solicitation of sales of taxable items in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio, or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system for the purpose of effecting sales of taxable items;

(5) solicits orders for taxable items by mail or through other media and under federal law is subject to or permitted to be made subject to the jurisdiction of this state for purposes of collecting the taxes imposed by this chapter;

(6) has a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this section; ~~or~~

(7) holds a substantial ownership interest in, or is owned in whole or substantial part by, a person who maintains a location in this state from which business is conducted and if:

(A) the retailer sells the same or a substantially similar line of products as the person with the location in this state and sells those products under a business name that is the same as or substantially similar to the business name of the person with the location in this state; or

(B) the facilities or employees of the person with the location in this state are used to:

(i) advertise, promote, or facilitate sales by the retailer to consumers; or

(ii) perform any other activity on behalf of the retailer that is intended to establish or maintain a marketplace for the retailer in this state, including receiving or exchanging returned merchandise;

(8) holds a substantial ownership interest in, or is owned in whole or substantial part by, a person that:

(A) maintains a distribution center, warehouse, or similar location in this state; and

(B) delivers property sold by the retailer to consumers; or

(9) otherwise does business in this state.

(d) In this section:

(1) "Ownership" includes:

(A) direct ownership;

(B) common ownership; and

(C) indirect ownership through a parent entity, subsidiary, or affiliate.

(2) "Substantial" means, with respect to an ownership interest, an interest in an entity that is:

(A) if the entity is a corporation, at least 50 percent, directly or indirectly, of:

(i) the total combined voting power of all classes of stock of the corporation; or

(ii) the beneficial ownership interest in the voting stock of the corporation;

(B) if the entity is a trust, at least 50 percent, directly or indirectly, of the current beneficial interest in the trust corpus or income;

(C) if the entity is a limited liability company, at least 50 percent, directly or indirectly, of:

(i) the total membership interest of the limited liability company; or

(ii) the beneficial ownership interest in the membership interest of the limited liability company; or

(D) for any entity, including a partnership or association, at least 50 percent, directly or indirectly, of the capital or profits interest in the entity.

SECTION ____ .03. Subchapter M, Chapter 151, Tax Code, is amended by adding Section 151.802 to read as follows:

Sec. 151.802. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND. (a) This section applies only:

(1) during the state fiscal years beginning September 1 of 2012, 2013, 2014, 2015, and 2016; and

(2) with respect to unused franchise tax credits described by Sections 18(e) and (f), Chapter 1 (H.B. 3), Acts of the 79th Legislature, 3rd Called Session, 2006.

(b) Notwithstanding Section 151.801, the comptroller shall deposit to the credit of the property tax relief fund under Section 403.109, Government Code, an amount of the proceeds from the collection of the taxes imposed by this chapter equal to the amount of revenue the state does not receive from the tax imposed under Chapter 171 because taxable entities, as defined by that chapter, that are corporations are entitled to claim unused franchise tax credits after December 31, 2012, and during that state fiscal year.

(c) This section expires September 1, 2017.

SECTION ____ .04. The change in law made by this article does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION ____ .05. This article takes effect January 1, 2012.

ARTICLE ____ . CARRYFORWARD OF CERTAIN FRANCHISE TAX CREDITS

SECTION ____ .01. Sections 18(e) and (f), Chapter 1 (H.B. 3), Acts of the 79th Legislature, 3rd Called Session, 2006, are amended to read as follows:

(e) A corporation that has any unused credits established before the effective date of this Act under Subchapter P, Chapter 171, Tax Code, may claim those unused credits on or with the tax report for the period in which the credit was established. However, if the corporation was allowed to carry forward unused credits under that subchapter, the corporation may continue to apply those credits on or with each consecutive report until the earlier of the date the credit would have expired under the terms of Subchapter P, Chapter 171, Tax Code, had it continued in existence, or December 31, 2016 [~~2012~~], and the former law under which the corporation established the credits is continued in effect for purposes of determining the amount of the credits the corporation may claim and the manner in which the corporation may claim the credits.

(f) A corporation that has any unused credits established before the effective date of this Act under Subchapter Q, Chapter 171, Tax Code, may claim those unused credits on or with the tax report for the period in which the credit was established. However, if the corporation was allowed to carry forward unused credits under that subchapter, the corporation may continue to apply those credits on or with each consecutive report until the earlier of the date the credit would have expired under the terms of Subchapter Q, Chapter 171, Tax Code, had it continued in existence, or December 31, 2016 [~~2012~~], and the former law under which the corporation

established the credits is continued in effect for purposes of determining the amount of the credits the corporation may claim and the manner in which the corporation may claim the credits.

Floor Amendment No. 22

Amend **CSSB 1811** (house committee printing) by adding the following new appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 321.002, Tax Code, is amended to read as follows:

Sec. 321.002. DEFINITIONS.

(a) In this chapter:

(1) "Additional municipal sales and use tax" means only the additional tax authorized by Section 321.101(b).

(2) "Municipality" includes any incorporated city, town, or village.

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business [engaged in activities to which this chapter applies] to process for that business invoices, purchase orders, [or] bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

(b) Words used in this chapter and defined by Chapter 151 have the meanings assigned by Chapter 151.

SECTION _____. SECTION _____ as added by this amendment takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for Section 1 to have immediate effect, Section 1 takes effect September 1, 2011.

Floor Amendment No. 23

Amend the Hilderbran amendment No. 22 (packet page 720) to **CSSB 1811** (House Committee Report version) as follows:

1. On page 2, strike lines 18 through 23 and substitute the following:

"SECTION ____ . SECTION ____ as added by this amendment takes effect September 1, 2011."

Floor Amendment No. 45

Amend **CSSB 1811** as follows:

____ . Format of the general appropriations bill.

(a) Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity to which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or by an organizational unit of the agency or entity, organized according to the agency's, entity's, or unit's organizational structure, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item; and

(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(b) a citation to the authorization in law for the program or activity; and

(c) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Floor Amendment No. 46

Amend Amendment No. 45 to **CSSB 1811** by Cain (scanned barcode no. 824103) by striking the text of the amendment and substituting the following:

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . GENERAL APPROPRIATIONS ACT FORMAT

SECTION ____ .01. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity for which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or an organizational unit of the agency or entity, organized according to the organizational structure of the agency, entity, or unit, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item; and
(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(A) a citation to the authorization in law for the program or activity; and
(B) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Floor Amendment No. 52

Amend **CSSB 1811** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Subchapter A, Chapter 382, Health and Safety Code, is amended by adding Section 382.005 to read as follows:

Sec. 382.005. PROHIBITION ON IMPLEMENTATION OF GREENHOUSE GAS EMISSIONS REGULATORY PROGRAMS. (a) In this section:

(1) "Greenhouse gas" includes:

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) other gases or substances incorporated into a regional or federal greenhouse gas emissions regulatory program.

(2) "Greenhouse gas emissions regulatory program" means an arrangement under which a greenhouse gas emissions source is required to account for or report greenhouse gas emissions. The term includes a market-based compliance mechanism.

(3) "Market-based compliance mechanism" means a system of market-based declining annual aggregate greenhouse gas emissions limits, including a greenhouse gas emissions exchange, banking, credit, or other similar transaction.

(b) A state agency, including the commission, may not implement or adopt rules that would implement a greenhouse gas emissions regulatory program required by federal statute or agency rule unless the federal government provides federal money to cover all anticipated costs and economic losses to this state that may result from the implementation of the program.

(c) A state employee may not participate on a board, committee, or related entity, or in a study, of a national organization assigned to recommend provisions to implement a federal greenhouse gas emissions regulatory program. This subsection does not apply to actions taken by a state employee to reduce greenhouse gas emissions outside the employee's official duties.

Floor Amendment No. 53

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REDUCING STATE MEDICAID AND OTHER HEALTH CARE COSTS BY PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES

SECTION ____ .01. The legislature finds that the changes in law made by this article will reduce the state's costs for health care and for treatment of smoking-related illness under governmentally funded insurance programs for state employees and their dependents and under other taxpayer-supported programs, such as Medicaid and indigent health care.

SECTION ____ .02. (a) Chapter 169, Health and Safety Code, as added by this article, takes effect on the 90th day after the date the executive commissioner of the Health and Human Services Commission:

(1) certifies in writing that prohibiting smoking in certain public places in accordance with Chapter 169, Health and Safety Code, as added by this article, will reduce this state's Medicaid expenditures in the state fiscal biennium ending August 31, 2013, by at least \$10 million paid from any revenue source or by \$4 million paid from the general revenue fund; and

(2) publishes the certification in the Texas Register.

(b) On publication of the certification as described by Subsection (a)(2) of this section, the Health and Human Services Commission shall post on the commission's Internet website a copy of that certification and notice of the requirements of Chapter 169, Health and Safety Code, as added by this article.

(c) Not later than the 30th day after the date the executive commissioner of the Health and Human Services Commission publishes the certification as described by Subsection (a)(2) of this section, the Department of State Health Services, the Alcoholic Beverage Commission, and each county, public health district, and local health department shall:

(1) post a copy of the certification on its Internet website; or

(2) provide notice to holders subject to Chapter 169, Health and Safety Code, as added by this article, of the requirements of that chapter.

(d) If the executive commissioner of the Health and Human Services Commission fails to provide the certification required by Subsection (a) of this section on or before January 1, 2012, this article expires and Chapter 169, Health and Safety Code, does not take effect.

SECTION ____ .03. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 169 to read as follows:

CHAPTER 169. SMOKING PROHIBITED IN PUBLIC PLACES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 169.001. DEFINITIONS. In this chapter:

(1) "Bar" means an enclosed indoor establishment that is open to the public and is devoted primarily to the sale and service of alcoholic beverages for on-premises consumption.

(2) "Department" means the Department of State Health Services.

(3) "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, that extend from the floor to the ceiling.

(4) "Public place" means an enclosed area the public is invited or allowed to enter, including a bar and a restaurant.

(5) "Restaurant" means an enclosed indoor establishment that is open to the public and is devoted primarily to the sale and service of food for immediate consumption. The term includes a bar located at the establishment.

(6) "Smoke" means to inhale, exhale, burn, or carry a lighted cigar, cigarette, pipe, or other smoking equipment in any manner.

(7) "Tobacco bar" means a business that:

(A) has in excess of 15 percent of gross sales in tobacco products, as that term is defined by Section 155.001, Tax Code, excluding sales derived from vending machines;

(B) holds a permit under Chapter 155, Tax Code; and

(C) holds an alcoholic beverage permit or license issued under Chapter 25, 28, 32, or 69, Alcoholic Beverage Code, or under Section 11.10, Alcoholic Beverage Code.

(8) "Tobacco shop" means a business primarily devoted to the sale of tobacco products, as that term is defined by Section 155.001, Tax Code, that does not hold an alcoholic beverage permit or license.

Sec. 169.002. APPLICABILITY. (a) Except as provided by Section 169.053, this chapter applies only to a public place that is owned, managed, operated, or controlled under a license, certificate, registration, or other authority or permit issued for the public place or to a person who owns, manages, operates, or controls the public place by the Department of State Health Services, the Alcoholic Beverage Commission, or a local health department or, with respect to a permit requirement authorized by Chapter 437, a county or public health district.

(b) Except as provided by Subsection (c), this chapter preempts and supersedes a local ordinance, rule, or regulation adopted by any political subdivision of this state relating to smoking.

(c) To the extent that a local ordinance, rule, or regulation adopted by a political subdivision of this state prohibits or restricts smoking to a greater degree than this chapter, the ordinance, rule, or regulation is not preempted or superseded by this chapter.

(d) This chapter does not preempt or supersede Section 38.006, Education Code.

Sec. 169.003. OTHER APPLICABLE LAWS. This chapter may not be construed to authorize smoking where it is restricted by other applicable law.

Sec. 169.004. LIBERAL CONSTRUCTION. This chapter shall be liberally construed to further its purpose.

[Sections 169.005-169.050 reserved for expansion]

SUBCHAPTER B. PROHIBITED ACTS

Sec. 169.051. SMOKING PROHIBITED IN PUBLIC PLACES. A person may not smoke in a public place in this state.

Sec. 169.052. EXCEPTIONS. (a) This subchapter does not apply to:

(1) a tobacco shop;

(2) a tobacco bar;

(3) the outdoor area of a restaurant or bar;

(4) an outdoor porch or patio that is not accessible to the public;

(5) the set of a motion picture, television, or theater production; or

(6) a convention of tobacco-related businesses in a municipality where a convention of tobacco-related businesses is expressly authorized under an applicable municipal ordinance.

(b) The exception under Subsection (a)(5) applies only to an actor who is portraying the use of a tobacco product during the motion picture, television, or theater production.

Sec. 169.053. DECLARATION OF ESTABLISHMENT AS NONSMOKING.

(a) An owner, operator, manager, or other person in control of any establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place.

(b) A person may not smoke in a place in which a sign conforming to the requirements of Section 169.054 is posted.

Sec. 169.054. DUTIES OF OWNER, MANAGER, OR OPERATOR OF PUBLIC PLACE. An owner, manager, or operator of a public place shall:

(1) post clearly and conspicuously in the public place:

(A) a sign with the words "No Smoking"; or

(B) a sign with the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette;

(2) post at each entrance to the public place a conspicuous sign clearly stating that smoking is prohibited; and

(3) remove all ashtrays from any area in which smoking is prohibited.

[Sections 169.055-169.100 reserved for expansion]

SUBCHAPTER C. ENFORCEMENT AND PENALTIES

Sec. 169.101. ENFORCEMENT. (a) The department shall enforce this chapter.

(b) A governmental entity described by Section 169.002(a) that issues a license, certificate, registration, or other authority or permit for a public place or to a person who owns, manages, operates, or controls the public place shall provide notice to each applicant for the permit or authority of the provisions of this chapter.

(c) A person may file with the department a complaint concerning a violation of this chapter.

(d) The department or another agency of this state or a political subdivision of this state designated by the department may inspect an establishment for compliance with this chapter.

(e) An employer or an owner, manager, operator, or employee of an establishment regulated under this chapter shall inform a person violating this chapter of the appropriate provisions pertaining to the violation.

Sec. 169.102. INJUNCTIVE RELIEF. In addition to the other remedies provided by this chapter, the attorney general at the request of the department, or a person aggrieved by a violation of this chapter, may bring an action for injunctive relief to enforce this chapter.

Sec. 169.103. OFFENSES; PENALTIES. (a) A person who violates Section 169.051 or 169.053(b) commits an offense. An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$50.

(b) An owner, manager, or operator of a public place who violates Section 169.054 commits an offense. An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$100.

(c) If it is shown on the trial of an offense under Subsection (b) that the defendant has previously been finally convicted of an offense under that subsection that occurred within one year before the date of the offense that is the subject of the trial, on conviction the defendant shall be punished by a fine not to exceed \$200.

(d) If it is shown on the trial of an offense under Subsection (b) that the defendant has previously been finally convicted of two offenses under that subsection that occurred within one year before the date of the offense that is the subject of the trial, on conviction the defendant shall be punished by a fine not to exceed \$500.

(e) If conduct that constitutes an offense under this section also constitutes an offense under another law, the offense may be prosecuted under this section, the other law, or both this section and the other law.

Sec. 169.104. SEPARATE VIOLATIONS. Each day on which a violation of this chapter occurs is considered a separate violation.

Floor Amendment No. 54

Amend the Crossover Amendment No. 53 to **CSSB 1811** by adding two additional appropriately numbered exemptions to proposed Sec. 169.052 read as follows:

() a fraternal or veterans organization as defined by Section 32.11, Alcoholic Beverage Code;

() a premises on which charitable bingo is authorized to be conducted under Chapter 2001, Occupations Code, if the premises are not located in a county with a population greater than 2.2 million that is adjacent to a county with a population of more than 600,000;

Floor Amendment No. 55

Amend Amendment No. 53 by Crossover to **CSSB 1811** (page 513 of the prefiled amendments packet) as follows:

(1) In SECTION ____03 of the amendment, in added Section 169.002(c), Health and Safety Code (page 4, line 11), following the underlined period, insert "This subsection does not apply to a billiard hall in the political subdivision that operates more than 10 non-coin-operated billiards tables within the premises and allows on the premises only customers 21 years of age and older."

(2) In SECTION ____03 of the amendment, in added Section 169.052(a)(5), Health and Safety Code (page 4, line 31), strike "; or" and substitute ";

(3) In SECTION ____03 of the amendment, in added Section 169.052(a)(6), Health and Safety Code (page 5, line 3), between "ordinance" and the underlined period, insert the following:

; or

(7) a billiard hall that operates more than 10 non-coin-operated billiards tables within the premises and allows on the premises only customers 21 years of age and older

Floor Amendment No. 57

Amend Amendment No. 53 by Crownover to **CSSB 1811** (barcode no. 823928) on page 7 of the amendment, immediately following line 15, by adding the following:

ARTICLE ____ . SMOKING IN CERTAIN PUBLIC PLACES

SECTION ____ .01. (a) Notwithstanding any other law, a person commits an offense if the person smokes a cigarette or other tobacco product in the Texas State Capitol.

(b) An offense under this section is a Class C misdemeanor.

Floor Amendment No. 61

Amend **CSSB 1811** (house committee printing) by striking ARTICLE 12 of the bill (page 26, line 18, through page 29, line 22) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Floor Amendment No. 62

Amend the McClendon amendment No. 61 to **CSSB 1811** as follows:

(1) In SECTION 12.02, in amended Section 151.326(a), Tax Code, strike Subdivision (2) (page 27, lines 4-6) and substitute the following:

(2) the sale takes place during a period beginning at 12:01 a.m. on the first [~~third~~] Friday in August and ending at 12 midnight on the following Sunday.

(2) Add the following appropriately numbered SECTION to the ARTICLE and renumber the subsequent SECTIONS of the ARTICLE accordingly:

SECTION ____ . Section 151.326(a)(2), Tax Code, as amended by this article, does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Floor Amendment No. 64

Amend **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.068 to read as follows:

Sec. 301.068. EFFICIENCY PILOT PROGRAM. (a) The commission shall establish a pilot program to:

(1) improve the efficiency and quality of commission operations while reducing costs; and

(2) adopt a structured approach for identifying the wasteful use of state resources and improving commission processes.

(b) In implementing the pilot program, the commission shall use:

(1) a methodology that includes a define, measure, analyze, improve, and control structure for reviewing project management;

(2) a continuous improvement technique that:

(A) identifies value and a value stream;

(B) creates a flow for activities;

(C) allows consumers to pull products or services through the process;

and

- (D) allows for the process to be perfected over time; and
(3) a measurement system analysis to evaluate data.
(c) The commission shall conduct an internal performance audit to assess the effectiveness of the pilot program implemented under this section.
(d) Not later than August 1, 2012, the commission shall submit a written report of the results of the performance audit to the:
(1) governor;
(2) lieutenant governor;
(3) speaker of the house of representatives;
(4) Senate Committee on Government Organization;
(5) House Government Efficiency and Reform Committee; and
(6) house and senate committees with primary jurisdiction over state affairs.
(e) The commission shall implement the pilot program from available funds that may be used for that purpose.
(f) A state agency, other than the commission, may implement the pilot program established under this section with respect to the agency. An agency that implements the pilot program shall:
(1) conduct the performance audit and submit the written report in the time and manner described by Subsections (c) and (d); and
(2) use available resources to fund the pilot program.
(g) A report required by this section may be submitted electronically.
(h) This section expires September 1, 2013.

Floor Amendment No. 68

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 313.007, Tax Code, is amended to read as follows:

Sec. 313.007. EXPIRATION. Subchapters B, C, and D expire December 31, 2024 [2014].

Floor Amendment No. 69

Amend Floor Amendment No. 68 by Eiland to **CSSB 1811** (page 684, prefiled amendments packet), in the final line of the amendment, by striking "2024" and substituting "2016".

Floor Amendment No. 72

Amend **CSSB 1811** (house committee printing) by adding a new appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. MIXED BEVERAGE TAX REIMBURSEMENTS

Section _____.01. Effective September 1, 2013, Section 183.051(b), Tax Code, is amended to read as follows:

(b) The comptroller shall issue to each county described in Subsection (a) a warrant drawn on the general revenue fund in an amount appropriated by the legislature that may not be less [~~greater~~] than 10.7143 percent of receipts from permittees within the county during the quarter and shall issue to each incorporated

municipality described in Subsection (a) a warrant drawn on that fund in an amount appropriated by the legislature that may not be less [greater] than 10.7143 percent of receipts from permittees within the incorporated municipality during the quarter.

Floor Amendment No. 73

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FRANCHISE TAX LIABILITY OF CERTAIN TAXABLE ENTITIES

SECTION ____ .01. Subchapter A, Chapter 171, Tax Code, is amended by adding Section 171.0024 to read as follows:

Sec. 171.0024. TAX LIABILITY OF CERTAIN TAXABLE ENTITIES. (a) In this section, "taxable income" means:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the amount reportable as taxable income on line 30, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the amount reportable as ordinary business income or loss on line 22, Internal Revenue Service Form 1065; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2) determined by rules the comptroller shall adopt.

(b) Except as provided by Subsection (c), a taxable entity is not required to pay any tax and is not considered to owe any tax for a period on which margin is based if the taxable entity's taxable income for the period is zero or less.

(c) Subsection (b) does not apply to a taxable entity that is a member of a combined group.

(d) Section 171.1011(a) applies to a reference in this section to an Internal Revenue Service form, and Section 171.1011(b) applies to a reference in this section to an amount reportable on a line number on an Internal Revenue Service form.

(e) The comptroller shall adopt rules as necessary to accomplish the legislative intent prescribed by this section.

SECTION ____ .02. Section 171.204(b), Tax Code, is amended to read as follows:

(b) The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.002(d)(2) to file an abbreviated information report with the comptroller stating the amount of the taxable entity's total revenue from its entire business. The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.0024 to file an abbreviated information report with the comptroller stating the amount of the taxable entity's taxable income as defined by that section. The comptroller may not require a taxable entity described by this subsection to file an information report that requires the taxable entity to report or compute its margin.

SECTION ____ .03. This article applies only to a report originally due on or after the effective date of this article.

SECTION ____ .04. This article takes effect January 1, 2012.

Floor Amendment No. 74

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TAX REFUNDS FOR CERTAIN AD VALOREM TAX PAYERS

SECTION ____ .01. Subchapter F, Chapter 111, Tax Code, is repealed.

SECTION ____ .02. The repeal of Subchapter F, Chapter 111, Tax Code, by this article does not affect an eligible person's right to claim a refund of state taxes collected under Chapters 151 and 171, Tax Code, that was established under Section 111.301, Tax Code, in relation to taxes paid before the effective date of this Act in a calendar year for which the person paid ad valorem taxes to a school district as provided by Section 111.301, Tax Code, before the effective date of this Act. An eligible person's right to claim a refund of state taxes collected under Chapters 151 and 171, Tax Code, that was established under Section 111.301, Tax Code, in relation to taxes paid before the effective date of this Act in a calendar year for which the person paid ad valorem taxes to a school district as provided by Section 111.301, Tax Code, before the effective date of this Act is governed by the law in effect on the date the right to claim the refund was established, and the former law is continued in effect for that purpose.

ARTICLE ____ . FRANCHISE TAX APPLICABILITY AND EXCLUSIONS

SECTION ____ .01. Section 171.0001, Tax Code, is amended by adding Subdivisions (1-a), (10-a), (10-b), and (11-b) to read as follows:

(1-a) "Artist" means a natural person or an entity that contracts to perform or entertain at a live entertainment event.

(10-a) "Live entertainment event" means an event that occurs on a specific date to which tickets are sold in advance by a third-party vendor and at which:

(A) a natural person or a group of natural persons, physically present at the venue, performs for the purpose of entertaining a ticket holder who is present at the event;

(B) a traveling circus or animal show performs for the purpose of entertaining a ticket holder who is present at the event; or

(C) a historical, museum-quality artifact is on display in an exhibition.

(10-b) "Live event promotion services" means services related to the promotion, coordination, operation, or management of a live entertainment event. The term includes services related to:

(A) the provision of staff for the live entertainment event; or

(B) the scheduling and promotion of an artist performing or entertaining at the live entertainment event.

(11-b) "Qualified live event promotion company" means a taxable entity that:

(A) receives at least 60 percent of the entity's annual total revenue from the provision or arrangement for the provision of three or more live event promotion services;

(B) maintains a permanent nonresidential office from which the live event promotion services are provided or arranged;

(C) employs 10 or more full-time employees during all or part of the period for which taxable margin is calculated;

(D) does not provide services for a wedding or carnival; and

(E) is not a movie theater.

SECTION ____ .02. Section 171.0002(c), Tax Code, is amended to read as follows:

(c) "Taxable entity" does not include an entity that is:

(1) a grantor trust as defined by Sections 671 and 7701(a)(30)(E), Internal Revenue Code, all of the grantors and beneficiaries of which are natural persons or charitable entities as described in Section 501(c)(3), Internal Revenue Code, excluding a trust taxable as a business entity pursuant to Treasury Regulation Section 301.7701-4(b);

(2) an estate of a natural person as defined by Section 7701(a)(30)(D), Internal Revenue Code, excluding an estate taxable as a business entity pursuant to Treasury Regulation Section 301.7701-4(b);

(3) an escrow;

(4) a real estate investment trust (REIT) as defined by Section 856, Internal Revenue Code, and its "qualified REIT subsidiary" entities as defined by Section 856(i)(2), Internal Revenue Code, provided that:

(A) a REIT with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a taxable entity; and

(B) a limited partnership or other entity that directly holds the real estate as described in Paragraph (A) is not exempt under this subdivision, without regard to whether a REIT holds an interest in it;

(5) a real estate mortgage investment conduit (REMIC), as defined by Section 860D, Internal Revenue Code;

(6) a nonprofit self-insurance trust created under Chapter 2212, Insurance Code, or a predecessor statute;

(7) a trust qualified under Section 401(a), Internal Revenue Code; ~~or~~

(8) a trust or other entity that is exempt under Section 501(c)(9), Internal Revenue Code; or

(9) an S corporation, as that term is defined by Section 1361, Internal Revenue Code, that is owned entirely by an employee stock ownership plan, as that term is defined by Section 4975(e), Internal Revenue Code.

SECTION ____ .03. Section 171.1011, Tax Code, is amended by adding Subsections (g-5) and (g-7) to read as follows:

(g-5) A taxable entity that is a qualified live event promotion company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), a payment made to an artist in connection with the provision of a live entertainment event or live event promotion services.

(g-7) A taxable entity that is a qualified courier and logistics company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), subcontracting payments made by the taxable entity to

nonemployee agents for the performance of delivery services on behalf of the taxable entity. For purposes of this subsection, "qualified courier and logistics company" means a taxable entity that:

(1) receives at least 80 percent of the taxable entity's annual total revenue from its entire business from a combination of at least two of the following courier and logistics services:

(A) expedited same-day delivery of an envelope, package, parcel, roll of architectural drawings, box, or pallet;

(B) temporary storage and delivery of the property of another entity, including an envelope, package, parcel, roll of architectural drawings, box, or pallet; and

(C) brokerage of same-day or expedited courier and logistics services to be completed by a person or entity under a contract that includes a contractual obligation by the taxable entity to make payments to the person or entity for those services;

(2) during the period on which margin is based, is registered as a motor carrier under Chapter 643, Transportation Code, and if the taxable entity operates on an interstate basis, is registered as a motor carrier or broker under the unified carrier registration system, as defined by Section 643.001, Transportation Code, during that period;

(3) maintains an automobile liability insurance policy covering individuals operating vehicles owned, hired, or otherwise used in the taxable entity's business, with a combined single limit for each occurrence of at least \$1 million;

(4) maintains at least \$25,000 of cargo insurance;

(5) maintains a permanent nonresidential office from which the courier and logistics services are provided or arranged;

(6) has at least five full-time employees during the period on which margin is based;

(7) is not doing business as a livery service, floral delivery service, motor coach service, taxicab service, building supply delivery service, water supply service, fuel or energy supply service, restaurant supply service, commercial moving and storage company, or overnight delivery service; and

(8) is not delivering items that the taxable entity or an affiliated entity sold.

SECTION ____ .04. This article applies only to a report originally due on or after January 1, 2012.

SECTION ____ .05. This article takes effect January 1, 2012.

Floor Amendment No. 75

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TREATMENT OF CERTAIN EXEMPT ORGANIZATIONS FOR SALES AND USE TAX PURPOSES

SECTION ____ .01. Section 151.310, Tax Code, is amended by adding Subsections (c-1), (c-2), (g), and (h) to read as follows:

(c-1) For purposes of Subsection (c), an organization that qualifies for an exemption under Subsection (a)(1) or (2) is the seller of a taxable item at a tax-free sale or auction authorized by Subsection (c) if the organization:

(1) obtains the taxable item in a transaction that is a purchase;

(2) purchases the taxable item for a wholesale price stated on an invoice or receipt;

(3) bears the risk of loss with respect to the taxable item after the purchase;

and

(4) is not contractually obligated to resell the taxable item at a price established by the person from whom the organization obtains the taxable item.

(c-2) An organization does not fail to meet the requirements of Subsection (c-1) solely because the organization:

(1) returns a taxable item to the person from whom the item was obtained in exchange for a refund of the purchase price; or

(2) resells a taxable item at a price suggested or recommended by the person from whom the item was obtained.

(g) An organization that is the seller of a taxable item as provided by Subsection (c-1) is entitled to claim an exemption under Section 151.302 on the purchase of the taxable item for resale at a tax-free sale or auction authorized by Subsection (c) or another sale that is not tax-free.

(h) Notwithstanding Section 151.024, an organization that is the seller of a taxable item as provided by Subsection (c-1) may not be regarded under Section 151.024 as the agent of the dealer, distributor, supervisor, or employer from whom the organization obtains the taxable item.

SECTION _____.02. The changes in law made by this article to Section 151.310, Tax Code, apply to any tax period with respect to which the limitation period prescribed by Section 111.201, Tax Code, has not expired on the effective date of this Act.

Floor Amendment No. 76

Amend Amendment No. 75 to **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 151.336, Tax Code, is amended to read as follows:

Sec. 151.336. CERTAIN COINS AND PRECIOUS METALS. ~~[(a)]~~ The sale of gold, silver, or numismatic coins or of platinum, gold, or silver bullion is exempted from the taxes [sales tax] imposed by this chapter [Subchapter C at any sale to a purchaser in which the total sales price of all of the items sold equals \$1,000 or more].

~~[(b) An item exempt under Subsection (a) is exempt from the use tax imposed by Subchapter D to the purchaser until the item is subsequently transferred.]~~

(b) The change in law made by this section does not affect tax liability accruing before the effective date of this section. That liability continues in effect as if this section had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

(c) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to have immediate effect, this section takes effect September 1, 2011.

Floor Amendment No. 78

Amend **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 23.51(2), Tax Code, is amended to read as follows:

(2) "Agricultural use" includes but is not limited to the following activities: cultivating the soil, producing crops for human food, animal feed, or planting seed or for the production of fibers; floriculture, viticulture, and horticulture; raising or keeping livestock; raising or keeping exotic animals for the production of human food or of fiber, leather, pelts, or other tangible products having a commercial value; planting cover crops or leaving land idle for the purpose of participating in a governmental program, provided the land is not used for residential purposes or a purpose inconsistent with agricultural use; and planting cover crops or leaving land idle in conjunction with normal crop or livestock rotation procedure. The term also includes the use of land to produce or harvest logs and posts for the use in constructing or repairing fences, pens, barns, or other agricultural improvements on adjacent qualified open-space land having the same owner and devoted to a different agricultural use. The term also includes the use of land for wildlife management. The term also includes the use of land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value, provided that the land used is not less than 5 or more than 20 acres.

(b) This section applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this Act.

Floor Amendment No. 82

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES of the bill accordingly:

ARTICLE _____. ELIGIBILITY OF SURVIVING SPOUSE OF DISABLED VETERAN TO PAY AD VALOREM TAXES ON RESIDENCE HOMESTEAD IN INSTALLMENTS

SECTION _____.01. Section 31.031, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to:

(1) [~~If before the delinquency date~~] an individual who is:

(A) disabled or at least 65 years of age; and

(B) [~~is~~] qualified for an exemption under Section 11.13(c); or

(2) an individual who is:

(A) the unmarried surviving spouse of a disabled veteran; and

(B) qualified for an exemption under Section 11.22.

(a-1) If before the delinquency date an individual to whom this section applies pays at least one-fourth of a taxing unit's taxes imposed on property that the person owns and occupies as a residence homestead, accompanied by notice to the taxing unit that the person will pay the remaining taxes in installments, the person may pay the remaining taxes without penalty or interest in three equal installments. The first installment must be paid before April 1, the second installment before June 1, and the third installment before August 1.

SECTION ____.02. This article applies only to an ad valorem tax year that begins on or after the effective date of this article.

SECTION ____.03. This article takes effect January 1, 2012.

Floor Amendment No. 83

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____. TEXAS FISCAL STABILITY COMMISSION

SECTION ____.01. In this article, "commission" means the Texas Fiscal Stability Commission.

SECTION ____.02. (a) The mission of the commission is to provide the members of this state's legislature with recommendations for improving this state's ability to provide a stable, long-term source of revenue for educating the people of this state from pre-kindergarten through higher education while maintaining low state and local tax rates relative to other states and ensuring tax burdens of households and business entities are equitably shared.

(b) The commission shall develop a comprehensive plan that includes tax and budget recommendations to eliminate this state's structural revenue shortfall.

SECTION ____.03. (a) The commission is composed of 19 members as follows:

(1) the chair of the House Appropriations Committee and House Ways and Means Committee;

(2) the chair and vice chair of the Senate Committee on Finance;

(3) two state representatives and three members of the public appointed by the speaker of the house of representatives;

(4) two state senators and three members of the public appointed by the lieutenant governor; and

(5) five members of the public appointed by the governor.

(b) A person specified by Subsection (a) of this section to appoint a commission member shall make the appointment not later than November 1, 2011.

(c) The lieutenant governor and speaker of the house of representatives shall select one member of the commission to serve as the chair and another member to serve as the vice chair.

(d) The commission shall meet at the call of the chair.

(e) The commission shall hold public hearings at locations throughout this state to hear testimony on issues related to its mission.

(f) A commission member may not receive compensation for serving on the commission but is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the commission as provided by the General Appropriations Act.

(g) Not later than June 1, 2012, the commission shall submit the state fiscal stability plan under Section _____.02 of this article to the Senate Finance Committee, the House Appropriations Committee, the House Ways and Means Committee, and the Legislative Budget Board.

(h) The commission is abolished September 1, 2013.

SECTION _____.04. This article expires September 1, 2013.

SECTION _____.05. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Floor Amendment No. 84

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. GENERAL REVENUE ATTRIBUTABLE TO ACT

SECTION _____.01. (a) Before September 1 of each year, the comptroller shall determine the additional general revenue available to the state for the state fiscal year that began on the preceding September 1 that is attributable to changes in law made by this Act. In making the determination, the comptroller shall exclude any revenue dedicated to a specific purpose by the constitution of this state.

(b) Notwithstanding any other law but subject to Subsection (c) of this section, the comptroller shall transfer from the undedicated portion of the general revenue fund to the credit of the foundation school fund the total amount of additional general revenue as determined under Subsection (a) of this section. An amount transferred under this subsection for a state fiscal year is appropriated to the Texas Education Agency for that fiscal year to be used for Foundation School Program purposes and is in addition to other amounts appropriated for Foundation School Program purposes for that state fiscal year.

(c) The amount transferred to the credit of the foundation school fund under Subsection (b) of this section may not exceed the amount necessary to fund the Foundation School Program at the level at which that program was funded for the 2010-2011 school year, including funding at that level for enrollment growth.

Floor Amendment No. 85

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. REDUCTION IN GENERAL APPROPRIATIONS ACT

SECTION _____.01. An active, former, or retired visiting judge or justice is not entitled to an amount from the state for expenses, per diem, travel, or salary that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION __.02. A local administrative district judge is not entitled to a salary from the state under Section 659.012(d), Government Code, that exceeds the amount authorized for that salary by the General Appropriations Act.

SECTION __.03. An active district judge is not entitled to travel expenses under Section 24.019, Government Code, in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act.

SECTION __.04. A judge, justice, or prosecuting attorney is not entitled to an amount from the state for a salary, a salary supplement, office expenses or reimbursement of office expenses, or travel that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION __.05. (a) A county is not entitled to receive from the state supplemental salary compensation for county prosecutors under Section 46.0031, Government Code, or longevity pay supplements reimbursement under Section 41.255, Government Code, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act.

(b) A county is not entitled to state contributions for salaries or supplements under Chapter 25 or 26, Government Code, in an amount that exceeds the amounts appropriated for those purposes in the General Appropriations Act.

(c) A county is not entitled to reimbursement under Article 11.071, Code of Criminal Procedure, for reimbursement for compensation of counsel under that article in an amount that exceeds the amount appropriated for that purpose in the General Appropriations Act.

SECTION __.06. A person reimbursed by the state for travel and expenses for attendance as a witness as provided by Article 35.27, Code of Criminal Procedure, is not entitled to an amount that exceeds the amount appropriated for that purpose by the General Appropriations Act.

ARTICLE __. FISCAL MATTERS REGARDING ASSISTANT PROSECUTORS

SECTION __.01. Section 41.255(f), Government Code, is amended to read as follows:

(f) A county is not required to pay longevity supplements if the county does not receive funds from the comptroller as provided by Subsection (d). If sufficient funds are not available to meet the requests made by counties for funds for payment of assistant prosecutors qualified for longevity supplements:

- (1) [5] the comptroller shall apportion the available funds to the eligible counties by reducing the amount payable to each county on an equal percentage basis;
- (2) a county is not entitled to receive the balance of the funds at a later date;

and

(3) the longevity pay program under this chapter is suspended to the extent of the insufficiency. ~~[A county that receives from the comptroller an amount less than the amount certified by the county to the comptroller under Subsection (d) shall apportion the funds received by reducing the amount payable to eligible assistant prosecutors on an equal percentage basis, but is not required to use county funds to make up any difference between the amount certified and the amount received.]~~

SECTION __.02. Section 41.255(g), Government Code, is repealed.

ARTICLE ____ . FISCAL MATTERS REGARDING PROCESS SERVERS

SECTION ____ .01. Subchapter A, Chapter 51, Government Code, is amended by adding Section 51.008 to read as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a) The process server review board established by supreme court order may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the process server review board before the fees may be collected.

(b) If a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, the fee for the certification shall be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the process server must pay the entire certification renewal fee.

(c) The Office of Court Administration of the Texas Judicial System may collect the fees recommended by the process server review board and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the Office of Court Administration of the Texas Judicial System for the support of regulatory programs for process servers and guardians.

SECTION ____ .02. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.013 and 72.014 to read as follows:

Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person appointed to the process server review board established by supreme court order serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties.

Sec. 72.014. CERTIFICATION DIVISION. The office shall establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court.

SECTION ____ .03. (a) The fees recommended and approved under Section 51.008, Government Code, as added by this article, apply to:

(1) each person who holds a process server certification on the effective date of this Act; and

(2) each person who applies for process server certification on or after the effective date of this Act.

(b) The Office of Court Administration of the Texas Judicial System shall prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

ARTICLE ____ . FISCAL MATTERS REGARDING JUDICIAL AND COURT
PERSONNEL TRAINING FUND

SECTION ____ .01. Section 56.001, Government Code, is amended to read as follows:

Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND. (a) The judicial and court personnel training fund is an account in the general revenue fund. Money in the judicial and court personnel training fund may be appropriated only to ~~created in the state treasury and shall be administered by~~ the court of criminal appeals for the uses authorized in Section 56.003.

(b) ~~(+)~~ On requisition of the court of criminal appeals, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 56.003. A warrant may not exceed the amount appropriated for any one fiscal year. ~~At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.~~

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS

SECTION __.01. Section 61.001(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (c), a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act ~~[\$40]~~ for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

SECTION __.02. Sections 61.0015(a) and (e), Government Code, are amended to read as follows:

(a) The state shall reimburse a county the appropriate amount as provided in the General Appropriations Act ~~[\$34 a day]~~ for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(e) If a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c) ~~shall:~~

~~(1) pay the balance owed to the county when sufficient money described by Subsection (e) is available; or~~

~~(2) carry forward the balance owed to the county and pay the balance to the county when the next payment is required].~~

Floor Amendment No. 86

Amend Amendment No. 85 by Otto to **CSSB 1811** (page 771, prefiled amendment packet), by striking the Article titled "FISCAL MATTERS REGARDING PAYMENT OF JURORS" (page 5, line 15 through page 6, line 18 of the amendment) and substituting the following:

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS.

SECTION __.01. Section 61.001, Government Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Notwithstanding Subsection (a), and except as provided by Subsection (c), during the state fiscal biennium beginning September 1, 2011, a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

(a-2) This subsection and Subsection (a-1) expire September 1, 2013.

SECTION ____ .02. Section 61.0015, Government Code, is amended by adding Subsections (a-1), (a-2), and (e-1) to read as follows:

(a-1) Notwithstanding Subsection (a), during the state fiscal biennium beginning September 1, 2011, the state shall reimburse a county the appropriate amount as provided in the General Appropriations Act for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(a-2) This subsection and Subsections (a-1) and (e-1) expire September 1, 2013.

(e-1) Notwithstanding Subsection (e), during the state fiscal biennium beginning September 1, 2011, if a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c).

Floor Amendment No. 87

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

SECTION ____ .01. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

Sec. 114.001. DEFINITIONS. In this chapter:

(1) "Adjudication" of a claim means the bringing of a civil suit and prosecution to final judgment in county or state court and includes the bringing of an arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract subject to this chapter for the arbitration proceedings.

(2) "Contract subject to this chapter" means a written contract stating the essential terms of the agreement for providing goods or services to the state agency that is properly executed on behalf of the state agency.

(3) "State agency" means an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state, including a university system or a system of higher education. The term does not include a county, municipality, court of a county or municipality, special purpose district, or other political subdivision of this state.

Sec. 114.002. APPLICABILITY. This chapter applies only to a claim for breach of contract in which the matter in controversy exceeds \$250,000, exclusive of interest.

Sec. 114.003. WAIVER OF IMMUNITY TO SUIT FOR CERTAIN CLAIMS. A state agency that is authorized by statute or the constitution to enter into a contract and that enters into a contract subject to this chapter waives sovereign immunity to suit for the purpose of adjudicating a claim for breach of an express or implied provision of the contract, subject to the terms and conditions of this chapter.

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach of an express or implied provision of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration;

(2) the amount owed for change orders or additional work required to carry out the contract; and

(3) interest as allowed by law.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

Sec. 114.005. CONTRACTUAL ADJUDICATION PROCEDURES ENFORCEABLE. Adjudication procedures, including requirements for serving notices or engaging in alternative dispute resolution proceedings before bringing a suit or an arbitration proceeding, that are stated in the contract subject to this chapter or that are established by the state agency and expressly incorporated into the contract are enforceable except to the extent those procedures conflict with the terms of this chapter.

Sec. 114.006. NO WAIVER OF OTHER DEFENSES. This chapter does not waive a defense or a limitation on damages available to a party to a contract, other than a bar against suit based on sovereign immunity.

Sec. 114.007. NO WAIVER OF IMMUNITY TO SUIT IN FEDERAL COURT. This chapter does not waive sovereign immunity to suit in federal court.

Sec. 114.008. NO WAIVER OF IMMUNITY TO SUIT FOR TORT LIABILITY. This chapter does not waive sovereign immunity to a claim arising from a cause of action for negligence.

Sec. 114.009. EMPLOYMENT CONTRACTS EXEMPT. This chapter does not apply to an employment contract between a state agency and an employee of that agency.

Sec. 114.010. NO RECOVERY OF ATTORNEY'S FEES. Attorney's fees incurred by a state agency or any other party in the adjudication of a claim by or against a state agency shall not be awarded to any party in the adjudication unless the state agency has entered into a written agreement that expressly authorizes the prevailing party in the adjudication to recover its reasonable and necessary attorney's fees.

Sec. 114.011. VENUE. A suit under this chapter may be brought in a district court in:

(1) a county in which the events or omissions giving rise to the claim occurred; or

(2) Travis County.

SECTION __.02. Section 2260.002, Government Code, is amended to read as follows:

Sec. 2260.002. APPLICABILITY. This chapter does not apply to:

(1) a claim for personal injury or wrongful death arising from the breach of a contract; ~~[or]~~

(2) a contract executed or awarded on or before August 30, 1999; or

(3) a claim for breach of contract to which Chapter 114, Civil Practice and Remedies Code, applies.

SECTION __.03. (a) Chapter 114, Civil Practice and Remedies Code, as added by this article, applies only to a claim arising under a contract executed on or after September 1, 2011. A claim that arises under a contract executed before September 1, 2011, is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Nothing in this article is intended to create, rescind, expand, or limit any waiver of sovereign immunity to suit applicable to any contract executed before September 1, 2011.

Floor Amendment No. 88

Amend **CSSB 1811** (house committee report) by adding the following:

SECTION 1. Section 1(c), Chapter 286 (HB 4765), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(c) This [If this section takes effect, this] section expires December 31, 2013 [2011]

SECTION 2. Section 2(b), Chapter 286 (HB 4765), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(b) ~~This section takes effect January 1, 2014 [2012, if HB 2154, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If HB 2154, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010].~~

SECTION 3. Section 3(b), Chapter 286 (HB 4765), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

~~(b) This section takes effect January 1, 2014 [2012, if HB 2154, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If HB 2154, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010].~~

SECTION 4. This Act takes effect only if SB 1811, Acts of the 82nd Legislature, Regular Session, 2011, results in an increase in the revenue collected from state taxes imposed during the state fiscal biennium beginning September 1, 2011, that is attributable to the changes provided by that Act, and that Act is enacted and becomes law. If SB 1811, Acts of the 82nd Legislature, Regular Session, 2011, does not result in an increase in the revenue collected from state taxes imposed or is not enacted or does not become law, this Act has no effect.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Floor Amendment No. 89

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 171.1012, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) In addition to other amounts that are not includable as cost of goods sold under Subsection (e) or other law, the cost of goods sold does not include the amount paid by a taxable entity in relation to the taxable entity's goods for labor costs for coverage for elective abortions under a health benefits plan or other health care plan. To the extent otherwise authorized by this chapter, the taxable entity may include as cost of goods sold the amount paid by the taxable entity for labor costs for coverage for other benefits and services under the health benefits plan or other health care plan. For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Section 171.1013, Tax Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Notwithstanding Subsections (b)(2) and (b-1), a taxable entity that elects to subtract compensation for the purpose of computing its taxable margin under Section 171.101 may not subtract any amount the taxable entity paid for coverage for elective abortions under a health benefits plan or other health care plan. The taxable entity may subtract the amount the taxable entity paid for coverage for other benefits and

services under the health benefits plan or other health care plan if otherwise authorized by Subsection (b)(2) or (b-1). For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Sections 171.1012 and 171.1013, as amended by this Act, apply only to a report originally due on or after the effective date of this Act.

Floor Amendment No. 90

Amend Amendment No. 89 by Landtroop to **CSSB 1811** (page 726 of the prefiled amendment packet) immediately following page 2, line 16 of the amendment add the following:

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. STATE COSTS FOR ATTORNEYS AD LITEM AND
GUARDIANS AD LITEM APPOINTED TO REPRESENT MINORS IN
JUDICIAL BYPASS ABORTION PROCEEDINGS

SECTION _____.01. (a) Not later than December 1, 2011, the supreme court by rule shall establish procedures for the supreme court and each county court at law, court having probate jurisdiction, district court, and court of appeals in this state to conduct a financial audit to determine for the state fiscal year beginning September 1, 2011, the amount of state funds used to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

(b) In the procedures adopted under Subsection (a) of this section, the supreme court must require each state court to submit to the supreme court a report on the results of the financial audit conducted by the court not later than November 1, 2012.

(c) Not later than January 1, 2013, the supreme court shall submit to the lieutenant governor and the speaker of the house of representatives a report that summarizes the results of financial audits conducted in the state courts and includes the total amount of state funds used in the state fiscal year beginning September 1, 2011, to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1811** on third reading in ARTICLE 2 of the bill, by striking SECTION 2.02 of the bill (repealing Sections 221.006, 222.007, 223.009, 401.151(e), and 401.154, Insurance Code), substituting the following SECTIONS, appropriately numbered, and renumbering SECTIONS of ARTICLE 2 of the bill accordingly:

SECTION _____. Section 221.006, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An insurer is not entitled to a credit under Subsection (a) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION ____. Section 222.007, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An insurer or health maintenance organization is not entitled to a credit under Subsection (a) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION ____. Section 223.009, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) A title insurance company is not entitled to a credit under Subsection (a) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION ____. Section 401.151, Insurance Code, is amended by adding Subsection (f) to read as follows:

(f) An insurer is not entitled to a credit under Subsection (e) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION ____. Section 401.154, Insurance Code, is amended to read as follows:

Sec. 401.154. TAX CREDIT AUTHORIZED. (a) An insurer is entitled to a credit on the amount of premium taxes to be paid by the insurer for all examination fees paid under Section 401.153. The insurer may take the credit for the taxable year during which the examination fees are paid and may take the credit to the same extent the insurer may take a credit for examination fees paid when a salaried department examiner conducts the examination.

(b) An insurer is not entitled to a credit under Subsection (a) for an examination fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

Floor Amendment No. 2 on Third Reading

Amend **CSSB 1811** on third reading by striking ARTICLE 12 of the bill ("SALES AND USE TAX HOLIDAY"), as amended on second reading by the McClendon amendment (bar code 823959), and as the McClendon amendment was amended by the Guillen amendment (bar code 824451), substituting the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____. PERIOD FOR SALES AND USE TAX HOLIDAY

SECTION ____.01. Section 151.326(a), Tax Code, is amended to read as follows:

(a) The sale of an article of clothing or footwear designed to be worn on or about the human body is exempted from the taxes imposed by this chapter if:

(1) the sales price of the article is less than \$100; and

(2) the sale takes place during a period beginning at 12:01 a.m. on the first ~~third~~ Friday in August and ending at 12 midnight on the following Sunday.

SECTION ____.02. Section 151.326(a), Tax Code, as amended by this article, does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION __.03. This article takes effect immediately if the Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Floor Amendment No. 3 on Third Reading

Amend **CSSB 1811** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE __. FISCAL MATTERS CONCERNING

SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS

SECTION __.01. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.005 to read as follows:

Sec. 56.005. STUDENT PRIORITY FOR SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Critical field" means a field of study designated as a critical field under Subsection (b).

(b) Except as otherwise provided by Subdivision (2), the fields of engineering, computer science, mathematics, physical science, allied health, nursing, and teaching certification in the field of science or mathematics are critical fields. Beginning September 1, 2012, the coordinating board, based on the coordinating board's determination of those fields of study in which the support and development of postsecondary education programs at the bachelor's degree level are most critically necessary for serving the needs of this state, by rule may:

(1) designate as a critical field a field of study that is not currently designated by this subsection or by the board as a critical field; or

(2) remove a field of study from the list of fields currently designated by this subsection or by the board as critical fields.

(c) Notwithstanding any other law, in determining who should receive scholarships awarded by an institution of higher education from funds appropriated to the institution based on student success, the institution may give priority to awarding the scholarships to eligible students enrolled in critical fields.

(d) The coordinating board may adopt rules for the administration of this section.

Floor Amendment No. 5 on Third Reading

Amend **CSSB 1811** on third reading as follows:

(1) In Section 7.01, Article 7, of the bill, in the first line of amended Section 42.259(f), Education Code, strike "(c)(8) or (d)(3)" and substitute "(c)(8), (d)(3), or (f-1)".

(2) Between Sections 7.01 and 7.02, Article 7, of the bill, insert:

SECTION 7.015. Section 42.259, Education Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Notwithstanding Subsections (c)(8) or (d)(3), if the comptroller finds that sufficient money is available for the purposes after making necessary Medicaid payments due on or before the 25th day of August:

(1) payments from the foundation school fund to each category 2 school district shall be made so that 15 percent of the yearly entitlement of the district is paid in an installment to be made on or before the 25th day of August; and

(2) payments from the foundation school fund to each category 3 school district shall be made so that 20 percent of the yearly entitlement of the district is paid in an installment to be made on or before the 25th day of August.

The amendments were read.

Senator Duncan moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer, Senator Eltife in Chair, asked if there were any motions to instruct the conference committee on **SB 1811** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Duncan, Chair; Williams, West, Patrick, and Deuell.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider the following bills today:

HB 1053, HB 1206, HB 3025, HB 3708.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **HB 1601** today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider **HB 3864** today.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 34, HB 114, HB 123, HB 253, HB 282, HB 345, HB 399, HB 413, HB 451, HB 533, HB 549, HB 627, HB 649, HB 824, HB 930, HB 942, HB 962, HB 1123, HB 1128, HB 1135, HB 1136, HB 1146, HB 1245, HB 1381, HB 1529, HB 1559, HB 1643, HB 1694, HB 1772, HB 1774, HB 1840, HB 1841, HB 1908, HB 1965, HB 1983, HB 2061, HB 2069, HB 2108, HB 2162, HB 2189, HB 2245, HB 2258, HB 2312, HB 2354, HB 2727, HB 2759, HB 2793, HB 2859, HB 2908, HB 2928, HB 3065, HB 3272, HB 3547, HB 3814, HCR 18, HCR 63, HCR 68, HCR 90, HCR 133, HCR 164.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 201**

Senator Uresti submitted the following Conference Committee Report:

Austin, Texas

May 21, 2011

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 201** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

URESTI
BIRDWELL
HINOJOSA
WENTWORTH
WILLIAMS
On the part of the Senate

CALLEGARI
BERMAN
S. MILLER
FARIAS
PICKETT
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.42, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) A person who qualifies for an exemption under Section 11.131 after January 1 of a tax year may receive the exemption for the applicable portion of that tax year immediately on qualification for the exemption.

SECTION 2. Section 26.10, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) If the appraisal roll shows that a residence homestead exemption under Section 11.131 applicable to a property on January 1 of a year terminated during the year, the tax due against the residence homestead is calculated by multiplying the amount of the taxes that otherwise would be imposed on the residence homestead for the entire year had the individual not qualified for the exemption under Section 11.131 during the year by a fraction, the denominator of which is 365 and the numerator of which is the number of days that elapsed after the date the exemption terminated.

SECTION 3. Chapter 26, Tax Code, is amended by adding Section 26.1125 to read as follows:

Sec. 26.1125. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD OF 100 PERCENT OR TOTALLY DISABLED VETERAN. (a) If a person qualifies for an exemption under Section 11.131 after the beginning of a tax year, the amount of the taxes on the residence homestead of the person for the tax year is calculated by multiplying the amount of the taxes that otherwise would be imposed on the residence homestead for the entire year had the person not qualified for the exemption under Section 11.131 by a fraction, the denominator of which is 365 and the numerator of which is the number of days that elapsed before the date the person qualified for the exemption under Section 11.131.

(b) If a person qualifies for an exemption under Section 11.131 with respect to the property after the amount of the tax due on the property is calculated and the effect of the qualification is to reduce the amount of the tax due on the property, the assessor for each taxing unit shall recalculate the amount of the tax due on the property and correct the tax roll. If the tax bill has been mailed and the tax on the property has not been paid, the assessor shall mail a corrected tax bill to the person in whose name the property is listed on the tax roll or to the person's authorized agent. If the tax on the property has been paid, the tax collector for the taxing unit shall refund to the person who paid the tax the amount by which the payment exceeded the tax due.

SECTION 4. This Act applies only to an ad valorem tax year that begins on or after the effective date of this Act.

SECTION 5. This Act takes effect January 1, 2012.

The Conference Committee Report on **SB 201** was filed with the Secretary of the Senate.

CO-SPONSOR OF HOUSE BILL 92

On motion of Senator Estes, Senator Birdwell will be shown as Co-sponsor of **HB 92**.

CO-SPONSOR OF HOUSE BILL 213

On motion of Senator Lucio, Senator Carona will be shown as Co-sponsor of **HB 213**.

CO-SPONSOR OF HOUSE BILL 397

On motion of Senator Uresti, Senator Lucio will be shown as Co-sponsor of **HB 397**.

CO-SPONSOR OF HOUSE BILL 1000

On motion of Senator Zaffirini, Senator Ellis will be shown as Co-sponsor of **HB 1000**.

CO-SPONSOR OF HOUSE BILL 1075

On motion of Senator Davis, Senator Zaffirini will be shown as Co-sponsor of **HB 1075**.

CO-SPONSOR OF HOUSE BILL 1090

On motion of Senator Seliger, Senator Eltife will be shown as Co-sponsor of **HB 1090**.

CO-SPONSOR OF HOUSE BILL 1148

On motion of Senator Hinojosa, Senator Van de Putte will be shown as Co-sponsor of **HB 1148**.

CO-SPONSOR OF HOUSE BILL 1451

On motion of Senator Whitmire, Senator Ellis will be shown as Co-sponsor of **HB 1451**.

CO-SPONSOR OF HOUSE BILL 1942

On motion of Senator Van de Putte, Senator Davis will be shown as Co-sponsor of **HB 1942**.

CO-SPONSOR OF HOUSE BILL 2594

On motion of Senator Carona, Senator Van de Putte will be shown as Co-sponsor of **HB 2594**.

CO-SPONSOR OF HOUSE BILL 3724

On motion of Senator Zaffirini, Senator Harris will be shown as Co-sponsor of **HB 3724**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 1056 by Ellis, Recognizing Jerome Gray for receiving the Heart of Houston award from the Fifth Ward Enrichment Program.

SR 1057 by Ellis, Recognizing Suzette T. Caldwell for being named the 2010 Author of the Year by Destiny Image Publishing.

SR 1058 by Ellis, Recognizing Ellery A. Richard for his service to Second Shiloh Missionary Baptist Church in Houston and to his community.

SR 1059 by Lucio, Recognizing Dahlia Zárate-Muñiz for her accomplishments as an author.

SR 1060 by Duncan, Recognizing Patrick J. Hanford on the occasion of his installation as president of the Texas Osteopathic Medical Association.

SR 1061 by Ellis, Recognizing Davilin Hamel for her work in the office of Representative Barbara Mallory Caraway.

SR 1062 by Ellis, Recognizing Kara Willis for her work in the office of the Harris County Attorney.

SR 1063 by Ellis, Recognizing Conor Kenny for his work in the office of Senator Rodney Ellis.

SR 1064 by Ellis, Recognizing Naomi Showers for her work in the office of Representative Ron Reynolds.

SR 1065 by Ellis, Recognizing Elizabeth Tagle for her work in the office of Senator Rodney Ellis.

SR 1066 by Ellis, Recognizing Stephen Small for his work in the office of Representative Harvey Hilderbran.

SR 1067 by Ellis, Recognizing Victor Odongo for his work in the office of the Texas Criminal Justice Coalition.

SR 1068 by Ellis, Recognizing Cole Howard for his work in the office of Representative Roberto Alonzo.

SR 1069 by Ellis, Recognizing Janice Tolbert for her work in the office of Senator Rodney Ellis.

SR 1070 by Ellis, Recognizing Bridgette Williams for her work in the office of the Texas Commission on Environmental Quality.

SR 1071 by Ellis, Recognizing Chetamour McKenzie for her work in the office of the Association of Electric Companies of Texas.

SR 1072 by Ellis, Recognizing Anastasia Thomas for her work in the office of Representative Marc Veasey.

SR 1073 by Ellis, Recognizing Tonya Jones for her work in the office of the Task Force on Indigent Defense.

SR 1074 by Ellis, Recognizing Rachel Kelly for her work in the office of Justice Nathan Hecht.

SR 1075 by Ellis, Recognizing Cheryl Knight-Simpson for her work in the office of Justice Dale Wainwright.

SR 1076 by Ellis, Recognizing David W. Sneed for his work in the office of Senator Kel Seliger.

SR 1077 by Ellis, Recognizing Sara Lang for her work in the office of Representative Scott Hochberg.

SR 1078 by Ellis, Recognizing Chelsea Frazier for her work in the office of Senator Rodney Ellis.

SR 1079 by Ellis, Recognizing Shakira Pumphrey for her work in the office of House Speaker Joe Straus.

SR 1080 by Ellis, Recognizing Madison Seymore for her work in the office of Representative John Frullo.

SR 1081 by Ellis, Recognizing Brittney Quezada for her work in the office of Representative Naomi Gonzalez.

SR 1082 by Van de Putte, Hinojosa, Lucio, Ogden, Uresti, Whitmire, and Williams, Congratulating the recipients of the H-E-B Excellence in Education Awards.

SR 1083 by Ellis, Recognizing Robin Raasch for her work in the office of Representative Ana Hernandez Luna.

SR 1084 by Ellis, Recognizing Melody Udoinyion for her work in the office of the Texas Commission on Environmental Quality.

SR 1085 by Ellis, Recognizing Epernay Kyles for her work in the office of Senator John Whitmire.

SR 1086 by Ellis, Recognizing Tumi Wallace for his work in the office of Senator Rodney Ellis.

SR 1087 by Ellis, Recognizing Houston Tower for his work in the office of Representative Eddie Lucio.

SR 1088 by Ellis, Recognizing Brian Waldrup for his work in the office of Representative Alma Allen.

SR 1089 by Ellis, Recognizing Chuck Franklin for his work in the office of Senator Rodney Ellis.

SR 1090 by Ellis, Recognizing Ryan Phipps for his work in the office of Representative Joaquin Castro.

SR 1091 by Ellis, Recognizing Chinedum Okparaeke for his work in the office of Chief Justice Wallace B. Jefferson.

SR 1092 by Ellis, Recognizing Christian Taylor for his work in the office of Representative Jessica Farrar.

SR 1093 by Ellis, Recognizing Trevin Franklin for his work in the office of Lieutenant Governor David Dewhurst.

SR 1094 by Ellis, Recognizing Sam Thomas for his work in the Office of Court Administration.

SR 1095 by Ellis, Recognizing Clyde Jiles for his work in the office of Representative Eric Johnson.

SR 1096 by Ellis, Recognizing Melissa K. Jones for her work in the office of Representative Senfronia Thompson.

SR 1097 by Ellis, Recognizing Katasia Jordan for her work in the office of Representative Helen Giddings.

SR 1098 by Ellis, Recognizing Luis Salguero for his work in the office of Representative Carol Alvarado.

SR 1099 by Ellis, Recognizing Benjamin Griggs for his work in the office of Representative Hubert Vo.

SR 1100 by Ellis, Recognizing Lisa Sherrod for her work for the Legislative Black Caucus.

SR 1101 by Ellis, Recognizing Chasity Tillis for her work in the office of Representative Marisa Marquez.

SR 1102 by Ellis, Recognizing Victoria Messer for her work in the office of Senator Robert Duncan.

SR 1103 by Ellis, Recognizing Bernardo Aldalpe for his work in the office of Representative Veronica Gonzales.

SR 1104 by Ellis, Recognizing Shalette Mitchell for her work in the office of Representative Yvonne Davis.

SR 1105 by Ellis, Recognizing Kevin Osemene for his work in the office of Senator Royce West.

SR 1106 by Ellis, Recognizing Valeria Mirolevich for her work in the office of Representative Burt Solomons.

SR 1107 by Ellis, Recognizing Jessie Myles for her work in the office of Representative Vicki Truitt.

SR 1108 by Ellis, Recognizing Diana Pineros for her work in the office of Senator Judith Zaffirini.

SR 1109 by Ellis, Recognizing Edward Pollard for his work in the office of Representative Dawwna Dukes.

SR 1110 by Ellis, Recognizing Brittane L. Hamilton for her work in the office of Representative Rene Oliveira.

SR 1111 by Ellis, Recognizing Jay Johnson for his work in the office of Representative Garnet Coleman.

SR 1112 by Ellis, Recognizing Nicholas Giles for his work in the office of Representative Sylvester Turner.

SR 1113 by Ellis, Recognizing Felipe Nascimento for his work in the office of the Intergovernmental Relations Department of Travis County.

SR 1114 by Ellis, Recognizing Lisa Mathews for her work in the office of the Legislative Study Group.

SR 1115 by Ellis, Recognizing Alex Green for his work in the office of Representative Borris Miles.

SR 1116 by Ellis, Recognizing Maxie Gallardo for her work in the office of Representative Armando Walle.

SR 1117 by Ellis, Recognizing Bryce Romero for his work in the office of Senator Jose Rodriguez.

SR 1118 by Ellis, Recognizing Sabrina Bannister for her work in the office of the Harris County Public Defender.

SR 1119 by Ellis, Recognizing Ruth Damys for her work in the office of the Legislative Study Group.

SR 1120 by Ellis, Recognizing Jane Ehinmoro for her work in the office of the Texas Criminal Justice Coalition.

SR 1121 by Ellis, Recognizing Ana Castro for her work in the office of the Texas Supreme Court.

SR 1122 by Ellis, Recognizing Cornelius Dupree for his work in the office of Senator Rodney Ellis.

SR 1123 by Ellis, Recognizing Kenneth Ford for his work in the office of Judge Barbara Hervey.

SR 1124 by Ellis, Recognizing Milagrosa Micha for her work in the office of the Texas Criminal Justice Coalition.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:26 p.m. adjourned, pending the receipt of committee reports, until 10:00 a.m. Monday, May 23, 2011.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 21, 2011

INTERGOVERNMENTAL RELATIONS — **CSHB 1496**

TRANSPORTATION AND HOMELAND SECURITY — **HB 12**

GOVERNMENT ORGANIZATION — **HB 1728, HCR 86**

ECONOMIC DEVELOPMENT — **CSHB 2784**

INTERNATIONAL RELATIONS AND TRADE — **HB 3841, HB 2387**

CRIMINAL JUSTICE — **HB 2119, HB 3384, HB 2560**

GOVERNMENT ORGANIZATION — **HB 1247**

JURISPRUDENCE — **HB 149, HB 1897, HB 2492, HB 3439, HB 3674, HB 2047, HB 3844**

TRANSPORTATION AND HOMELAND SECURITY — **HB 3423, HB 3422, HB 2771, HB 559, HB 890, HB 2678, HB 2651, HB 1010, HB 3079, HB 3837, HB 90, HB 2466**

JURISPRUDENCE — **HB 3856, HB 3833, HB 3475, HB 3125, HB 2949, HB 2367, HB 2310, HB 1314**

STATE AFFAIRS — **HB 2449, HB 2425, HB 628, HB 2595, HB 2098**

CRIMINAL JUSTICE — **HB 2124, HB 25, HB 718, HB 963, HB 1856, HB 242, HB 371, HB 748, HB 1009, HB 1113, HB 1622, HB 1721, HB 1930, HB 1994, HB 2096, HB 2496, HB 2577, HB 1043, HB 2329, HB 2649, HB 2966, HB 3746, HB 3396**

INTERGOVERNMENTAL RELATIONS — **CSHB 2761**

HIGHER EDUCATION — **CSHB 992, HB 1244 (Amended), CSHB 9**

JURISPRUDENCE — **CSHB 230**

CRIMINAL JUSTICE — **HB 3474, HB 2472**

INTERGOVERNMENTAL RELATIONS — **HB 2315, CSHB 3743, CSHB 3845, HB 3834, HB 645, HB 896, HB 1690, HB 3076, HB 3852, HB 3352, HB 3815, HB 3821, CSHB 3804, HB 427, HB 3862, HB 2266, HB 2338, HB 3216**

CRIMINAL JUSTICE — **CSHB 1103**

STATE AFFAIRS — **HCR 50**

CRIMINAL JUSTICE — **HB 1241**

INTERNATIONAL RELATIONS AND TRADE — **CSHB 1604**

STATE AFFAIRS — **CSHB 1904**

CRIMINAL JUSTICE — **HB 3829**

INTERGOVERNMENTAL RELATIONS — **CSHB 2316, CSHB 3133**

TRANSPORTATION AND HOMELAND SECURITY — **HB 1683, HB 1937, HB 1517**

GOVERNMENT ORGANIZATION — **CSHB 326**

BUSINESS AND COMMERCE — **CSHB 3117, CSHB 2284, HB 971 (Amended)**

CRIMINAL JUSTICE — **HB 1601, CSHB 3691**

INTERGOVERNMENTAL RELATIONS — **CSHB 3246, CSHB 3828, CSHB 1768**

BILL ENGROSSED

May 20, 2011

SB 1581

BILLS AND RESOLUTIONS ENROLLED

May 20, 2011

SB 27, SB 82, SB 101, SB 179, SB 191, SB 199, SB 227, SB 283, SB 324, SB 373, SB 412, SB 434, SB 470, SB 485, SB 490, SB 493, SB 508, SB 510, SB 524, SB 543, SB 579, SB 580, SB 587, SB 613, SB 633, SB 710, SB 778, SB 866, SB 880, SB 888, SB 990, SB 1008, SB 1065, SB 1100, SB 1132, SB 1184, SB 1197,

SB 1243, SB 1291, SB 1378, SB 1518, SB 1618, SB 1630, SB 1635, SB 1661, SB 1739, SB 1882, SB 1895, SB 1922, SCR 5, SCR 10, SCR 18, SCR 39, SCR 55, SR 1036, SR 1044, SR 1045, SR 1047, SR 1048, SR 1049, SR 1051, SR 1052, SR 1053, SR 1054, SR 1055

SENT TO GOVERNOR

May 21, 2011

SB 27, SB 82, SB 101, SB 179, SB 191, SB 199, SB 227, SB 283, SB 324, SB 373, SB 412, SB 430, SB 434, SB 470, SB 485, SB 490, SB 493, SB 508, SB 510, SB 524, SB 543, SB 579, SB 580, SB 587, SB 613, SB 633, SB 662, SB 688, SB 710, SB 764, SB 778, SB 800, SB 866, SB 880, SB 888, SB 990, SB 1008, SB 1065, SB 1100, SB 1132, SB 1184, SB 1197, SB 1243, SB 1291, SB 1378, SB 1518, SB 1618, SB 1630, SB 1635, SB 1661, SB 1739, SB 1882, SB 1895, SB 1922, SCR 5, SCR 10, SCR 18, SCR 39, SCR 50, SCR 53, SCR 54, SCR 55

SIGNED BY GOVERNOR

May 21, 2011

SB 887

FILED WITHOUT SIGNATURE OF GOVERNOR

May 21, 2011

SB 501



